

CS No.15 of 1999.

03.09.2007 Present: Mr.Bhupender Pathania vice Mr.Shrawan Dogra, Advocate,
for the plaintiff.

Mr.Anand Sharma, Advocate, for defendant No.1.

Mr.Ashwani K.Sharma, Advocate, for defendant No.2.

OMP No.300 of 2007.

Heard. This application is allowed.

September 3, 2007
(aks)

(Dev Darshan Sud)
Judge

CMP(M) No.698 of 2006.

31.08.2007 Present: Mr.Vinay Kuthiala, Advocate, for the applicants.

Mr.Virender Verma, Additional Advocate General, for
respondents No.1 & 3.

Mr.Ajay Sharma, Advocate, for respondent No.2.

CMP(M) No.698 of 2006.

This appeal has been instituted by the appellants against the judgment and decree of the learned District Judge, Bilaspur in Civil Appeal No.85 of 2005. Only the photocopy of the judgment has been submitted and neither the certified copy of the judgment nor decree has been filed. The appeal is barred by limitation and it has not been possible to calculate the delay which has been occasioned in filing the appeal. Learned counsel for the appellants seeks for and is granted two weeks time to submit on the ground of maintainability of the appeal. List after two weeks.

August 31, 2007
(aks)

(Dev Darshan Sud)
Judge

RSA No.611 of 2000.

31.08.2007 Present: Mr.H.K. Bhardwaj, Advocate, for the appellants.
Mr.Anand Sharma, Advocate, for respondent No.1.

CMP No.425 of 2007.

This application has been filed by the appellants for permission to lead additional evidence. This application will be considered alongwith the main appeal. Reply, if any, be filed before the appeal is taken up for hearing.

CMP No.425 of 2007.

Heard. This application is allowed. The record, as detailed in the application, be called for and tagged with the main appeal. This application is disposed of.

**August 31, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.69 of 2001.

31.08.2007 Present: Mr.Rakesh Kanwar, Advocate, for the applicant.

Mr.Baldev Singh, Advocate, for the non-applicants-respondents.

At the request of learned counsel appearing for the respondents, list the matter after three weeks.

August 31, 2007
(aks)

(Dev Darshan Sud)
Judge

RSA No.219 of 2002.

31.08.2007 Present: Mr.Vinay Thakur vice counsel for the appellants.

Mr.Romesh Verma, Advocate, for the respondents.

Process fee for service of respondent No.2(b) has been filed.

Issue notice returnable within three weeks. The notice shall contain a direction to the Superintendent of the Jail to ensure the proper service is effected on the respondent irrespective of the fact whether the respondent is in jail or on parole.

**August 31, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CR No.313 of 2002.

31.08.2007 Present: Mr.APS Jaswal, Advocate, for the petitioner.
Ms.Devyani Sharma, Advocate, for respondent No.1.

CMP No.620 of 2007.

Heard.

This application is allowed. Certified copies of the judgments filed are taken on the record. The relevance of the judgments, if any, will be considered at the time of the final hearing of the revision petition. The respondents will be at liberty to place on record any other material in rebuttal to the judgments which have been filed. This application is disposed of.

CMP(M) No.584 of 2007.

Notice to the proposed legal representatives of respondent No.4 be issued returnable within four weeks.

**August 31, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RFA No.256 of 2006.

31.08.2007 Present: Mr.Pratap Singh vice Mr.R.Maniktala, Advocate, for the appellant.

Mr.Virender Verma, Additional Advocate General, for respondents No.9 and 10.

Ms.Neelam Bansal vice Mr.Sanjeev Kuthiala, Advocate, for respondents No.3, 5 to 8.

CMP No.348 of 2006.

Heard.

The interim order dated 1.6.2006 is confirmed. This application is disposed of.

RFA No.256 of 2006.

At the request of learned counsel appearing for the appellant, list the matter after four weeks.

**August 31, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.339 of 2006.

31.08.2007 Present: Mr.Anuj Gupta, Advocate, for the appellant.
Mr.Romesh Verma, Advocate, for respondents No.1 & 2.

Certified copy of the judgment of the trial Court has not been filed. Learned counsel appearing for the appellant prays for and is granted three weeks time, as a last opportunity, for filing the certified copy of the judgment. It is clarified that in case certified copy of the trial Court judgment is not filed within the aforesaid period, the appeal shall stand dismissed for non-prosecuton without reference to the Court.

August 31, 2007
(aks)

(Dev Darshan Sud)
Judge

CR No.146 of 2007.

31.08.2007 Present: Mr.Virender Verma, Additional Advocate General, for the petitioner.

CMP(M) No. 617 of 2007.

Notice returnable within a week. Notices for service on the respondents be given *dasti* to the learned Additional Advocate General. Reply, if any, be filed in the meantime.

**August 31, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.291 of 2007.

31.08.2007 Present: Mr.Rakesh Jaswal, Advocate, for the appellant.

CMP(M) No. 527 of 2007.

Notice to the respondents returnable within three weeks.

Reply, if any, be filed in the meantime.

August 31, 2007
(aks)

(Dev Darshan Sud)
Judge

RSA No.395 of 2007.

31.08.2007 Present: Mr.Rakesh Jaswal, Advocate, for the appellant.

Mr.Sanjay Jaswal, Advocate, for the respondent.

CMP(M) No. 200 of 2006.

This application has been moved by the appellant with a prayer that the delay in filing the appeal may be condoned in the interest of justice.

I have heard learned counsel for the parties. I find that the delay which has been occasioned is bonafide and is not deliberate. This application is allowed. The delay in filing the appeal is condoned in the interest of justice. The application is disposed of.

RSA No.395 of 2007.

Admit on substantial questions of law No. 1 & 2 as formulated at page No.7 of the paper book.

CMP No.677 of 2007.

Heard learned counsel for the parties.

No case for interim relief has been made out, at this stage. This application is, accordingly, dismissed. Liberty is reserved to the appellant to move any other application in accordance with law, if so required.

August 31, 2007
(aks)

(Dev Darshan Sud)
Judge

Civil Revision No.126 of 2007.

31.08.2007 Present: M/s.Kuldeep Bhatia and Harender Singh, Advocates, for the petitioner.

Mr.Balwant Kukreja, Advocate, for the respondent.

Civil Revision No.126 of 2007.

Records of both the Courts below be called for immediately.

List thereafter.

**August 31, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

Civil Revision No.126 of 2007.

31.08.2007 Present: M/s.Kuldeep Bhatia and Harender Singh, Advocates, for the petitioner.

Mr.Balwant Kukreja, Advocate, for the respondent.

Civil Revision No.126 of 2007.

Records of both the Courts below be called for immediately.

List thereafter.

**August 31, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

Civil Revision No.142 of 2007.

31.08.2007 Present: Mr.Ajay Sharma, Advocate, for the petitioner.

Civil Revision No.142 of 2007.

Notice to the respondent returnable within three weeks.

Records of both the Courts below be called for, in the meantime.

CMP No. 686 of 2007.

Infructuous.

**August 31, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

Civil Revision No.144 of 2007.

31.08.2007 Present: Mr.Ajay Kumar, Advocate, for the petitioner.

Civil Revision No.144 of 2007.

Notice to the respondent returnable within three weeks.

Records of both the Courts below be called for, in the meantime.

CMP No. 686 of 2007.

Heard.

Notice in the above terms. Reply, if any, be filed in the meantime. Further proceedings in *Rent Case No.62/2 of 2006, titled: Rajinder Singh Jamalta vs. Krishan Kumar* are stayed till further orders.

Dasti copy on usual terms.

**August 31, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

Civil Revision No.145 of 2007.

31.08.2007 Present: Mr.Deepak Bhasin, Advocate, for the petitioners.

Civil Revision No.145 of 2007.

Notice to the respondent returnable within three weeks.

Records of both the Courts below be called for, in the meantime.

CMP No. 687 of 2007.

Notice in the above terms. Reply, if any, be filed in the meantime. It is directed that the petitioners will not be dispossessed from the premises in their occupation till further orders.

Dasti copy on usual terms.

**August 31, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.308 of 2007

31.08.2007 Present: Mr.G.C. Gupta, Senior Advocate with Mr.Navlesh Verma,
Advocate, for the appellant.

FAO No. 308 of 2007.

Admit.

CMP No. 677 of 2007.

Heard learned counsel for the appellant.

It is directed that subject to the appellant's depositing the entire awarded amount alongwith costs and interest in this Court within a period of eight weeks from today, the execution of the award shall remain stayed. This application is disposed of.

**August 31, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CR No.103 of 2007.

31.08.2007 Present: Mr.B.K. Sood, Advocate, for the petitioner.

Mr.Ankush Sood vice Mr.Ashok K.Sood, Advocate, for the respondent.

At the request of learned counsel appearing for the respondent, list after one week.

**August 31, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.434 of 1998.

30.08.2007 Present: Ms.Devyani Sharma, Advocate, for the appellants.

Ms.Madhu Sharma, Advocate, for the respondents.

CMP No. 626 of 2007.

This application has been moved by the respondents under Order 22 Rule 4(3) and Rule 10-A of the Code of Civil Procedure stating that respondents No.8 and 20 have expired on 14.9.2003 and 2.3.2007 respectively. Copy of this application has been supplied to the counsel appearing for the appellants. This application is disposed of.

**August 30, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RFA No.69 of 2001.

30.08.2007 Present: Ms.Devyani Sharma, Advocate, for the appellants.
Mr.Romesh Verma, Advocate, for respondents No.1 to 4 and 6.
Mr.Virender Verma, Additional Advocate General, for respondent No.5.

CMP No. 865 of 2007.

Heard learned counsel for the parties. The application is allowed and the name of appellant No.1 is ordered to be changed as prayed for. Amended memo has been filed. Be taken on the record. The application is disposed of.

CMP No. 866 of 2007.

This application has been filed by the appellants with the prayer that the appeal may be permitted to be withdrawn in view of out of court settlement arrived at between the parties. Photocopy of the agreement of out of court settlement has been filed with this application as Annexure A-2. The application is not opposed by the respondents. Learned counsel for the respondents submits that no reply is intended to be filed and the application be allowed as prayed for. The application is accordingly allowed. Permission is granted to the appellants to withdraw the appeal. The application is disposed of.

RFA No. 69 of 2001.

Dismissed as withdrawn. All interim orders shall stand vacated.

CMP No. 867 of 2007.

Allowed. Court fee in accordance with law is directed to be refunded to the appellants.

Cross Appeal (RFA No.129 of 2001).

In the appeal filed by the claimants, the question regarding the adequacy of the compensation of the land will not be allowed to be raised in view of the compromise. List the Cross Appeal (*RFA No.129 of 2001*) for hearing immediately after *15th September, 2007*.

August 30, 2007
(aks)

(Dev Darshan Sud)
Judge

30.08.2007 Present: Ms.Devyani Sharma, Advocate, for the appellants.
Mr.Romesh Verma, Advocate, for respondents No.1 to 4.
Mr.Virender Verma, Additional Advocate General, for respondent No.5.

CMP No. 880 of 2007.

Heard learned counsel for the parties. The application is allowed and the name of appellant No.1 is ordered to be changed as prayed for. Amended memo has been filed. Be taken on the record. The application is disposed of.

CMP No. 881 of 2007.

This application has been filed by the appellants with the prayer that the appeal may be permitted to be withdrawn in view of out of court settlement arrived at between the parties. Photocopy of the agreement of out of court settlement has been filed with this application as Annexure A-2. The application is not opposed by the respondents. Learned counsel for the respondents submits that no reply is intended to be filed and the application be allowed as prayed for. The application is accordingly allowed. Permission is granted to the appellants to withdraw the appeal. The application is disposed of.

CMP No 882 of 2007.

This application has been filed with the prayer that the amount of income tax deposited with the Income Tax authorities and the balance amount be refunded in favour of the claimants. This application is allowed. It is directed that as agreed upon between the parties, the amount of compensation be released in favour of the claimants-respondents. Out of this amount a sum of Rs.12,317/- is directed to be paid to the

appellants in lieu of the income tax deposited by them and be remitted to their Bank account. The remaining amount be released in favour of the claimants in proportion to their shares along with interest on furnishing their respective bank account numbers. Learned counsel for the claimant submits that the particulars will be supplied within three weeks from today. The application is disposed of.

RFA No. 271 of 2000.

Dismissed as withdrawn. All interim orders shall stand vacated.

CMP No. 883 of 2007.

Allowed. Court fee in accordance with law is directed to be refunded to the appellants.

Cross Objection No.336 of 2000.

List for hearing immediately after *15th September, 2007.*

August 30, 2007
(aks)

(Dev Darshan Sud)
Judge

30.08.2007 Present: Ms.Devyani Sharma, Advocate, for the appellants.
Mr.B.S. Attri, Advocate, for the respondents.

CMP No. 876 of 2007.

Heard learned counsel for the parties. The application is allowed and the name of appellant No.1 is ordered to be changed as prayed for. Amended memo has been filed. Be taken on the record. The application is disposed of.

CMP No. 877 of 2007.

This application has been filed by the appellants with the prayer that the appeal may be permitted to be withdrawn in view of out of court settlement arrived at between the parties. Photocopy of the agreement of out of court settlement has been filed with this application as Annexure A-2. The application is not opposed by the respondents. Learned counsel for the respondents submits that no reply is intended to be filed and the application be allowed as prayed for. The application is accordingly allowed. Permission is granted to the appellants to withdraw the appeal. The application is disposed of.

CMP No 878 of 2007.

This application has been filed with the prayer that the amount of income tax deposited with the Income Tax authorities and the balance amount be refunded in favour of the claimants. This application is allowed. It is directed that as agreed upon between the parties, the amount of compensation be released in favour of the claimants-respondents. Out of this amount a sum of Rs. 6,544/- is directed to be paid to the appellants in lieu of the income tax deposited by them and be remitted to their Bank

account. The remaining amount be released in favour of the claimants in proportion to their shares along with interest on furnishing their respective bank account numbers. Learned counsel for the claimant submits that the particulars will be supplied within three weeks from today. The application is disposed of.

RFA No. 164 of 2001.

Dismissed as withdrawn. All interim orders shall stand vacated.

CMP No. 879 of 2007.

Allowed. Court fee in accordance with law is directed to be refunded to the appellants.

**August 30, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

30.08.2007 Present: Ms.Devyani Sharma, Advocate, for the appellants.
Mr.B.S. Attri, Advocate, for the respondents.

CMP No. 872 of 2007.

Heard learned counsel for the parties. The application is allowed and the name of appellant No.1 is ordered to be changed as prayed for. Amended memo has been filed. Be taken on the record. The application is disposed of.

CMP No. 873 of 2007.

This application has been filed by the appellants with the prayer that the appeal may be permitted to be withdrawn in view of out of court settlement arrived at between the parties. Photocopy of the agreement of out of court settlement has been filed with this application as Annexure A-2. The application is not opposed by the respondents. Learned counsel for the respondents submits that no reply is intended to be filed and the application be allowed as prayed for. The application is accordingly allowed. Permission is granted to the appellants to withdraw the appeal. The application is disposed of.

CMP No 874 of 2007.

This application has been filed with the prayer that the amount of income tax deposited with the Income Tax authorities and the balance amount be refunded in favour of the claimants. This application is allowed. It is directed that as agreed upon between the parties, the amount of compensation be released in favour of the claimants-respondents. Out of this amount a sum of Rs. 2,740/- is directed to be paid to the appellants in lieu of the income tax deposited by them and be remitted to their Bank

account. The remaining amount be released in favour of the claimants in proportion to their shares along with interest on furnishing their respective bank account numbers. Learned counsel for the claimant submits that the particulars will be supplied within three weeks from today. The application is disposed of.

RFA No. 162 of 2001.

Dismissed as withdrawn. All interim orders shall stand vacated.

CMP No. 875 of 2007.

Allowed. Court fee is directed to be refunded to the appellants in accordance with law.

**August 30, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

30.08.2007 Present: Ms.Devyani Sharma, Advocate, for the appellants.
Mr.B.S. Attri, Advocate, for the respondents.

CMP No. 868 of 2007.

Heard learned counsel for the parties. The application is allowed and the name of appellant No.2 is ordered to be changed as prayed for. Amended memo has been filed. Be taken on the record. The application is disposed of.

CMP No. 869 of 2007.

This application has been filed by the appellants with the prayer that the appeal may be permitted to be withdrawn in view of out of court settlement arrived at between the parties. Photocopy of the agreement of out of court settlement has been filed with this application as Annexure A-2. The application is not opposed by the respondents. Learned counsel for the respondents submits that no reply is intended to be filed and the application be allowed as prayed for. The application is accordingly allowed. Permission is granted to the appellants to withdraw the appeal. The application is disposed of.

CMP No 870 of 2007.

This application has been filed with the prayer that the amount of income tax deposited with the Income Tax authorities and the balance amount be refunded in favour of the claimants. This application is allowed. It is directed that as agreed upon between the parties, the amount of compensation be released in favour of the claimants-respondents. Out of this amount a sum of Rs. 4,236/- is directed to be paid to the appellants in lieu of the income tax deposited by them and be remitted to their Bank

account. The remaining amount be released in favour of the claimants in proportion to their shares along with interest on furnishing their respective bank account numbers. Learned counsel for the claimant submits that the particulars will be supplied within three weeks from today. The application is disposed of.

RFA No. 76 of 2000.

Dismissed as withdrawn. All interim orders shall stand vacated.

CMP No. 871 of 2007.

Allowed. Court fee in accordance with law is directed to be refunded to the appellants.

**August 30, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.294 of 2003.

30.08.2007 Present: Mr.Virender Verma, Additional Advocate General, for the appellant.

Mr.B.K. Sood vice Mr.K.D. Sood, Advocate, for respondents No.1 and 2.

CMP No.421 of 2007.

This application has been moved by the State with a prayer that the operation and execution of the judgment and decree dated 29.10.2002 passed by the learned District Judge be stayed.

I have heard learned counsel for the parties.

This prayer cannot be allowed as the State was the plaintiff before the learned trial Court. The suit was dismissed. In appeal the learned District Judge upheld the judgment and decree of the learned trial Court. This application is accordingly dismissed. Liberty is reserved to the plaintiff-appellant to move an appropriate application for protection of its rights during the pendency of the appeal.

August 30, 2007
(aks)

(Dev Darshan Sud)
Judge

RFA No.13 of 2005.

30.08.2007 Present: Mr.Janesh Gupta, Advocate, for the appellant.

Mr.B.K. Sood vice Mr.K.D. Sood, Advocate, for respondent
No.1.

List after three weeks as prayed for by the learned counsel
appearing for respondent No.1.

August 30, 2007
(aks)

(Dev Darshan Sud)
Judge

FAO No.400 of 2005.

30.08.2007 Present: Mr.K.D. Sood, Advocate, for the appellant.

Mr.Rakesh Manta, Advocate, for respondents No.1 and 2.

Learned counsel appearing for the appellant submits that an application under Order 5 Rule 20 of the Code of Civil Procedure for substituted of respondents No.3 and 4 will be filed during the course of this week. List the case immediately after the application is filed.

August 30, 2007
(aks)

(Dev Darshan Sud)
Judge

FAO No.53 of 2006.

30.08.2007 Present: Mr.Sanjeev Bhushan, Advocate, for the appellant.

None for the respondents.

CMP No.774 of 2007 and FAO No.53 of 2006.

At the request of learned counsel appearing for the appellant,
name of respondents No.9 and 10 is deleted from the array of respondents.

This order is subject to all just exceptions. This application is disposed of.

The appeal is restored to its original number.

**August 30, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.308 of 2006.

30.08.2007 Present: Mr.Anand Sharma, Advocate, for the appellant.
Mr.H.S. Rawat, Advocate, for respondents No.1 and 2.
Mr.Naresh Kaul, Advocate, for respondent No.4.

At the request of learned counsel appearing for the appellant, name of respondent No.3 is deleted from the array of respondents. This order is subject to all just exceptions.

Cross Objection No.438 of 2006.

Admit.

FAO No.308 of 2006.

List the appeal alongwith Cross Objection for hearing in due course.

**August 30, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CMP(M) No.142 of 2007.

30.08.2007 Present: Mr.Praveen K.Sharma, Advocate, for the appellant.
Mr.Balbir Singh Chauhan, Advocate, for the respondent.

CMP(M) No.142 of 2007.

This application has been moved by the appellant under Section 5 of the Limitation Act with a prayer that the delay in filing the appeal may be condoned in the interest of justice.

I have heard learned counsel for the parties and have gone through the record.

I am satisfied that the delay which has been occasioned is bonafide and is not deliberate. This application is allowed. The delay in filing the appeal is condoned in the interest of justice. The application is disposed of.

FAO No. of 2007.

Be registered.

Admit.

**August 30, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RFA No.62 of 2007.

30.08.2007 Present: Mr.Virender Verma, Additional Advocate General, for the appellants.

Mr.C.S. Thakur, Advocate, for respondent No.1.

CMP(M) No.262 of 2007.

This application has been moved by the appellants under Section 5 of the Limitation Act with a prayer that the delay in filing the appeal may be condoned in the interest of justice.

I have heard learned counsel for the parties and have gone through the record.

I am satisfied that the delay which has been occasioned is bonafide and is not deliberate. This application is allowed. The delay in filing the appeal is condoned in the interest of justice. The application is disposed of.

RFA No.62 of 2007.

Admit.

CMP No.198 of 2007.

Heard.

Subject to the appellants' depositing the entire awarded amount alongwith costs and interest in this Court within a period of eight weeks from today, the execution of the award shall remain stayed during the pendency of the appeal. It is clarified that in case the deposit is not made, the order shall stand vacated without reference to the Court. The application is disposed of.

**August 30, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.288 of 2007.

30.08.2007 Present: Mr.Ajay Chandel, Advocate, for the appellant.

FAO No.288 of 2007.

Admit.

CMP No.644 of 2007.

Heard.

Subject to the appellant's depositing the entire awarded amount alongwith costs and interest in this Court within a period of ten weeks from today, the execution of the award shall remain stayed during the pendency of the appeal. It is clarified that in case the deposit is not made, the order shall stand vacated without reference to the Court. The application is disposed of.

**August 30, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.290 of 2007.

30.08.2007 Present: Mr.Ashwani K.Sharma, Advocate, for the appellant.

FAO No.290 of 2007.

The grievance of the appellant in this appeal is that the cheque which has been issued by the insured was dishonoured and as such, the appellant Company was not liable to pay any amount as compensation. The learned Motor Accident Claims Tribunal by its order dated 5.6.2007 awarded a sum of Rs.50,000/- for no fault liability.

The ground raised by the appellant in this appeal will be decided by the learned Motor Accident Claims Tribunal alongwith the main appeal. This Court will not interfere in this appeal at this stage. This appeal is accordingly disposed of. There shall be no order as to costs.

CMP No.645 of 2007.

Infructuous.

**August 30, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.342 of 2007.

30.08.2007 Present: Mr.C.N. Singh, Advocate, for the appellant.

FAO No.342 of 2007.

Issue notice to the respondent returnable on *26th September, 2007*. The Registry will intimate the respondent that she should be present in Court on that day. The appellant is also directed to be present in the Court on this date.

**August 30, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.344 of 2007.

30.08.2007 Present: Mr.T.S. Chauhan, Advocate, for the appellant.

FAO No.344 of 2007.

Admit on the substantial questions of law No.1 and 2 as formulated at page No.7 of the paper book.

CMP No.776 of 2007.

Notice confined to respondent No.1 returnable within three weeks. Reply, if any, be filed in the meantime.

It is directed that the amount, which has been deposited with the Commissioner, Workmen Compensation Act, Sundernagar, District Mandi, be called for immediately to this Court and, on receipt, to invest the same in fixed deposit. It is further directed that the amount shall not be disbursed to the claimant without prior permission of this Court.

Dasti copy on usual terms.

**August 30, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.392 of 2007.

30.08.2007 Present: Mr.Bhupender Singh Pathania vice counsel for the
appellants.

List before another Bench.

August 30, 2007
(aks)

(Dev Darshan Sud)
Judge

RSA No.391 of 2007.

30.08.2007 Present: Mr.Bhupender Singh Pathania vice counsel for the
appellants.

List before another Bench.

August 30, 2007
(aks)

(Dev Darshan Sud)
Judge

FAO No.245 of 2007.

30.08.2007 Present: Mr.T.S. Chauhan, Advocate, for the appellant.

Mr.M.S. Guleria, Advocate, for the respondent.

List next week as prayed for by the learned counsel
appearing for the parties.

**August 30, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

Civil Suit No.1 of 2002.

30.08.2007 Present: Mr.Amit Sharma vice Mr.Sandeep Kaushik, Advocate, for the plaintiff.

Mr.Bimal Gupta, Advocate, for defendants No.1 and 2.

Mr.V.B. Verma, vice counsel for defendants No.3 and 4.

The defendants have filed an affidavit of defendant No.3, Baldev Singh, purporting to be his evidence on affidavit. No permission was granted by this Court. Affidavit does not constitute substantive evidence. The affidavit filed by defendant No.3 will not be read in evidence. List the matter for evidence of the defendants on the date to be fixed by the Registrar(Inspection).

**August 30, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.278 of 1998.

30.08.2007 Present: Mr.Virender Verma, Additional Advocate General, for the appellant.

None for the respondents.

Learned Additonal Advocate General has prayed that this matter may be listed next week. He submits that Shri Rajan Dewan, Additoinal Advocate General, has argued the matter. He is not attending the Court because of ill-health. In the circumstances, his prayer is allowed. The matter is directed to be listed next week.

**August 30, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RFA No.133 of 1999.

30.08.2007 Present: Mr.Janesh Gupta, Advocate, for the appellants.

Mr.Virender Verma, Additional Advocate General, for
respondents No.1 and 2.

At the request of learned counsel appearing for the appellants
list after two weeks alongwith ***RFA No.73 of 1999.***

August 30, 2007
(aks)

(Dev Darshan Sud)
Judge

RFA No.73 of 1999.

30.08.2007 Present: Mr.Janesh Gupta, Advocate, for the appellant.

Mr.Virender Verma, Additional Advocate General, for
respondents No.1 and 2.

At the request of learned counsel appearing for the appellant
list after two weeks.

August 30, 2007
(aks)

(Dev Darshan Sud)
Judge

RFA No.81 of 2004.

29.08.2007 Present: Ms.Devyani Sharma, Advocate, for the appellants.
Mr.Romesh Verma, Advocate, for respondents No.1 to 11.
Mr.Virender Verma, Additional Advocate General, for respondent No12.

CMP No. 816 of 2007.

This application has been filed jointly by the parties with a prayer that the matter has been compromised between them and that the appeal be disposed of in terms of the compromise filed as Annexure A-1 with this application. Heard learned counsel for the parties.

The parties through their counsel agree to undertake and bind by the compromise arrived at between them. This application is accordingly allowed. Compromise Annexure A-1 be taken on the record of the case. Permission is granted to the appellants to withdraw the appeal. The application is disposed of.

RFA No. 81 of 2004.

This appeal is dismissed as withdrawn in view of the compromise arrived at between the parties. All interim orders shall stand vacated.

CMP No. 817 of 2007.

Allowed. Court fee in accordance with law is directed to be refunded to the appellants.

**August 29, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RFA No.67 of 2001.

29.08.2007 Present: Ms.Devyani Sharma, Advocate, for the appellants.
Mr.Romesh Verma, Advocate, for respondent No.1.
Mr.Virender Verma, Additional Advocate General, for respondent No.2.

CMP(M) No.612 of 2007.

This application has been moved by the appellants for bringing on record the legal representatives of deceased respondent No.1, Shri [Nimi Ram. A prayer for condonation of delay under Section 5 of the Limitation Act and for setting aside abatement has also been made.

I have heard learned counsel for the parties and have gone through the record of the case.

I am satisfied that the delay which has been occasioned is bonafide and is not deliberate. Under the circumstances, this application is allowed. Legal representative of deceased respondent No.1, as named in paragraph No.1 of the application, is directed to be brought on the record of the case. Amended memo of parties has been filed. Be taken on the record of the case. The application is disposed of.

CMP No. 852 of 2007.

Heard learned counsel for the parties. The application is allowed and the name of appellant No.1 is ordered to be changed as prayed for. Amended memo has been filed. Be taken on the record. The application is disposed of.

CMP No. 853 of 2007.

This application has been filed by the appellants with the prayer that the appeal may be permitted to be withdrawn in view of out of

court settlement arrived at between the parties. Photocopy of the agreement of out of court settlement has been filed with this application as Annexure A-2. The application is not opposed by the respondents. Learned counsel for the respondents submits that no reply is intended to be filed and the application be allowed as prayed for. The application is accordingly allowed. Permission is granted to the appellants to withdraw the appeal. The application is disposed of.

RFA No. 67 of 2001.

Dismissed as withdrawn. All interim orders shall stand vacated.

CMP No. 854 of 2007.

Allowed. Court fee in accordance with law is directed to be refunded to the appellants.

Cross Objections No.208 of 2001.

These Cross Objections are dismissed as withdrawn. Court fee be refunded to the Cross Objector in accordance with law. The Cross Objections are disposed of.

**August 29, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.300 of 1998.

29.08.2007 Present: Mr.Rakesh Jaswal, Advocate, for the appellants.
Mr.Ashok Sood, Advocate, for the respondent.

CMP(M) No. 442 of 2007.

Heard. This application is allowed. It is clarified that substituting the name of Shri Manjit Singh Sodhi, as the representative of deceased Smt.Amrit Kaur Sodhi, would not be construed as a determination of the devolution of the estate of Smt.Amrit Kaur Sodhi. Amended memo, as filed, be taken on the record. Necessary corrections be made in the Cross Objection. This application is disposed of.

CMP No.667 of 2007.

This application has been moved by the parties jointly under Order 23 Rule 3 of the Code of Civil Procedure with a prayer that the appeal be disposed of as having been compromised in terms of the conditions as contained in the application. The application is supported by the affidavit of the appellants Smt.Saroj Puri, Shri K.L. Mehta and the sole respondent Shri Manjeet Singh Sodhi. Parties are agreed to be bound by the terms and conditions as contained in the compromise. The compromise is exhibited as Ex.C-1. This application is allowed.

RSA No.300 of 1998.

This appeal has been compromised between the parties in terms of the Ex.C-1. The appeal is disposed of in terms of the conditions stipulated in the compromise arrived at between the parties. Decree in terms of the compromise Ex.C-1 be drawn up. Ex.C-1 will form a part of the decree. The appeal is dismissed as withdrawn.

Cross Objections No.503 of 1998.

Dismissed as compromised, in view of the Ex.C-1.

**August 29, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

29.08.2007 Present: Ms.Devyani Sharma, Advocate, for the appellants.
Mr.Romesh Verma, Advocate, for respondent No.1.
Mr.Virender Verma, Additional Advocate General, for respondent No.2.

CMP No. 855 of 2007.

Heard learned counsel for the parties. The application is allowed and the name of appellant No.1 is ordered to be changed as prayed for. Amended memo has been filed. Be taken on the record. The application is disposed of.

CMP No. 856 of 2007.

This application has been filed by the appellants with the prayer that the appeal may be permitted to be withdrawn in view of out of court settlement arrived at between the parties. Photocopy of the agreement of out of court settlement has been filed with this application as Annexure A-2. The application is not opposed by the respondents. Learned counsel for the respondents submits that no reply is intended to be filed and the application be allowed as prayed for. The application is accordingly allowed. Permission is granted to the appellants to withdraw the appeal. The application is disposed of.

CMP No 857 of 2007.

This application has been filed with the prayer that the amount of income tax deposited with the Income Tax authorities and the balance amount be refunded in favour of the claimants. This application is allowed. It is directed that as agreed upon between the parties, the amount of compensation be released in favour of the claimants-respondents. Out of this

amount a sum of Rs.18,007/- is directed to be paid to the appellants in lieu of the income tax deposited by them and be remitted to their Bank account. The remaining amount be released in favour of the claimants in proportion to their shares along with interest on furnishing their respective bank account numbers. Learned counsel for the claimants submits that the particulars will be supplied within three weeks from today. The application is disposed of.

RFA No. 151 of 2000.

Dismissed as withdrawn. All interim orders shall stand vacated.

CMP No. 858 of 2007.

Allowed. Court fee in accordance with law is directed to be refunded to the appellants.

August 29, 2007
(aks)

(Dev Darshan Sud)
Judge

29.08.2007 Present: Ms.Devyani Sharma, Advocate, for the appellants.
Mr.B.S. Attri, Advocate, for the respondents.

CMP(M) No.611 of 2007.

This application has been moved by the appellants for bringing on record the legal representatives of deceased respondent No.1, Shri |Ram Rattan. A prayer for condonation of delay under Section 5 of the Limitation Act and for setting aside abatement has also been made.

I have heard learned counsel for the parties and have gone through the record of the case.

I am satisfied that the delay which has been occasioned is bonafide and is not deliberate. Under the circumstances, this application is allowed. Legal representatives of deceased respondent No.1, as named in paragraph No.1 of the application, are directed to be brought on the record of the case. Amended memo of parties has been filed. Be taken on the record of the case. The application is disposed of.

CMP No. 849 of 2007.

Heard learned counsel for the parties. The application is allowed and the name of appellant No.2 is ordered to be changed as prayed for. Amended memo has been filed. Be taken on the record. The application is disposed of.

CMP No. 850 of 2007.

This application has been filed by the appellants with the prayer that the appeal may be permitted to be withdrawn in view of out of court settlement arrived at between the parties. Photocopy of the agreement of out of court settlement has been filed with this application as Annexure A-2.

The application is not opposed by the respondents. Learned counsel for the respondents submits that no reply is intended to be filed and the application be allowed as prayed for. The application is accordingly allowed. Permission is granted to the appellants to withdraw the appeal. The application is disposed of.

RFA No. 221 of 1992.

Dismissed as withdrawn. All interim orders shall stand vacated.

CMP No. 851 of 2007.

Allowed. Court fee in accordance with law is directed to be refunded to the appellants.

**August 29, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.341 of 1992.

29.08.2007 Present: None for the appellant-non-applicant.

Mr.Lalit Sharma, Advocate, for applicants-respondents No.5 & 6.

Ms.Devyani Sharma, Advocate, for non-applicant-respondent No.1.

CMP No.648 of 2007.

The matter was taken up for hearing on 8th August, 2007.

Even on that day nobody appears for the parties.

This application has been moved by claimant No.5, Smt.Budhi Devi, with a prayer that the awarded amount alongwith proportionate interest falling to share be released to her by remitting it to her bank account.

I have heard learned counsel for the respondents.

This application is allowed. It is directed that the awarded amount alongwith proportionate interest, falling to the share of the claimant-applicant No.5, be remitted to her bank account, number whereof has been given in the application. The Registrar(Inspection) will determine the amount payable to respondent No.5. Registry will release the amount only after such determinations have been made. The application is disposed of.

**August 29, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.312 of 1998.

29.08.2007 Present: Mr.Deepak Kaushal, Advocate, for applicant-claimant No.5.

CMP No.693 of 2007.

Heard.

This application is allowed. It is directed that the awarded amount alongwith proportionate interest, falling to the share of the claimant-applicant No.5, be remitted to her bank account, number whereof has been given in the application. The Registrar(Inspection) to determine the amount payable to her. Registry will release the amount after the same is determined by the Registrar(Inspection). The application is disposed of.

**August 29, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.278 of 2000.

29.08.2007 Present: Mr.Ashok Sharma, Advocate, for the appellants.
Mr.G.S. Rathore, Advocate, for the respondent.

FAO No.278 of 2000.

The parties have compromised the matter before the Lok Adalat on 21.4.2007. In the order, a direction has been given that out of the awarded amount a sum of Rs.20,000/- be released to the Himachal Road Transport Corporation alongwith proportionate interest. This appeal is accordingly disposed of in terms of the compromise arrived at between the parties on 21.4.2007.

CMP No.624 of 2007.

Heard learned counsel for the parties.

This application is allowed. It is directed that a sum of Rs.20,000/- alongwith proportionate interest, as ordered by the Lok Adalat, be remitted to the bank account of the Himachal Road Transport Corporation, particulars whereof have been given in the application. The claimant will be at liberty to move for release of the amount falling to his share. This application is disposed of.

Cross Objections No.337 of 2000.

The Cross Objections are disposed of, in view of the compromise arrived at between the parties in the main appeal.

**August 29, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.90 of 2003.

29.08.2007 Present: Mr.Rajinder Dogra, Advocate, for the applicant-claimant.

CMP No.687 of 2007.

This application has been filed by claimant-respondent No.3, Kumari Keshu Bala, with a prayer that she has attained majority and may be allowed to pursue the appeal in her own capacity. She has annexed her leaving Certificate showing her date of birth to be 30.8.1987. A further prayer has been made that the amount falling to her share may be remitted to her bank account.

I have heard learned counsel for the parties. The appeal has already been decided on 1.12.2003. No reply is intended to be filed. The application is not opposed by the appellant-non-applicant.

The application is allowed. Respondent No.3, Kumari Keshu Bala, is allowed to prosecute the appeal in her own individual capacity. It is directed that the amount of compensation alongwith proportionate interest falling to her share be remitted to her bank account, number whereof has been given in paragraph-3 of the application. The Registrar(Inspection) to determine the amount payable to her. Registry will release the amount after the same is determined by the Registrar(Inspection). The application is disposed of.

**August 29, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.463 of 2003.

29.08.2007 Present: Mr.N.K. Thakur, Advocate, for the appellants.

Mr.Ajay Sharma, Advocate, for respondent No.1.

Learned counsel appearing for the appellants prays for and is granted four weeks time to take steps for the service of respondents No.2 to 4 and 6 to 13. It is clarified that in case no steps are taken or application for substituted service is not filed, then the appeal will be dismissed for non-prosecution without reference to the Court.

Certified copy of the judgment of the trial Court be filed within a period of six weeks from today.

August 29, 2007
(aks)

(Dev Darshan Sud)
Judge

RFA No.470 of 2004.

29.08.2007 Present: Mr.Virender Verma, Additional Advocate General, for the appellants.

1(e) Ms.Devyani Sharma, Advocate, for respondents No.1(a) to and 1(h).

CMP No.1087 of 2004.

The awarded amount has been deposited in this Court. The operation of the award is stayed during the pendency of the appeal. This application is disposed of.

RFA No.470 of 2004.

Notices be issued to the unrepresented respondents.

**August 29, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CS No.40 of 2005.

29.08.2007 Present: Mr.Bimal Gupta, Advocate, for the plaintiffs.

Mr.Virender Verma, Additional Advocate General, for
defendant No.1.

Ms.Devyani Sharma, Advocate, for defendant No.2.

Mr.Rahul Mahajan, Advocate, for defendant No.3.

List after three weeks, as prayed for by learned counsel
appearing for defendant No.2.

August 29, 2007
(aks)

(Dev Darshan Sud)
Judge

FAO No.191 of 2005.

29.08.2007 Present: Mr.Anurag Sharma vice counsel for the appellant.
Mr.Deepak Kaushal, Advocate, for respondents No.1 & 2.
Mr.B.K. Malhotra vice counsel for respondent No.3.
Mr.Rajinder Dogra, Advocate, for respondents No.4 & 5.

FAO No.191 of 2005.

This appeal has been compromised before the Lok Adalat on 21.4.2007. Parties have accepted the correctness of the compromise. Rs.20,000/-, as ordered by the Lok Adalat, already stands deposited. This appeal is accordingly disposed of in terms of the compromise arrived at between the parties on 21.4.2007.

CMP No.754 of 2006.

Heard learned counsel for the parties.

This application is not opposed. It is directed that the amount deposited in this Court be released in favourof the sole claimant along with interest and be remitted to his bank account, particulars whereof have been given in the application. This application is disposed of.

**August 29, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.127 of 2006.

29.08.2007 Present: Mr.Romesh Verma, Advocate, for the appellant.

to Mr.Rajinder Verma vice counsel for respondents No.1, 2(a)
2(f).

Learned counsel appearing for the appellant submits that
certified copy of the trial Court judgment has been filed in the Registry of
this Court on 27th August, 2007.

CMP No.429 of 2006.

List on *30th August, 2007.*

**August 29, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.385 of 2007.

27.08.2007 Present: M/s.B.K. Sood and Sanjeev Sood, Advocates, for the appellants.

RSA No.385 of 2007.

Admit on the substantial questions of law No.2, 3 and 4 as formulated at page No.6 of the paper book.

CMP No.666 of 2007.

Heard learned counsel for the appellants.

Notice of this application be issued to the respondents returnable within four weeks. In the meantime, the parties are directed to maintain status quo qua the nature and possession of the land in dispute.

Dasti copy on usual terms.

**August 27, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.208 of 2007.

27.08.2007 Present: Mr.Ashok Kumar Sood, Advocate, for the appellant.
Ms.Devyani Sharma, Advocate, for the respondents.

RSA No.208 of 2007.

Admit on the substantial questions of law No.1, 5 and 6 as formulated at page No.16 of the appeal.

CMP No.355 of 2007.

Heard learned counsel for the parties.

The order dated 26.6.2007 is confirmed.

Learned counsel for the appellant has handed over a cheque amounting to Rs.25,000/- to the learned counsel appearing for the respondents. This cheque is accepted by her subject to just all exceptions and the right of the respondents to agitate the quantum of use and occupation charges. It is further directed that the appellant shall pay the use and occupation charges regularly to the respondents either by depositing the amount in this Court or by sending direct to the respondents. Such use and occupation charges shall be paid by the appellant after every six months i.e. on *30th June* and *31st December*.

This application is disposed of.

August 27, 2007
(aks)

(Dev Darshan Sud)
Judge

23.08.2007 Present: Mr.Virender Verma, Additional Advocate General, for the appellants.
Mr.Ramakant Sharma, Advocate, for respondents No.3 to 15 and 18.

CMP No.75 of 2007.

This application has been moved by the appellants with a prayer that the name of respondent No.2, Shri Piar Singh, be deleted from the array of the respondents.

I have heard learned counsel for the appellants and have gone through the application.

This application is allowed. An application for bringing on record the legal representatives of respondent No.2 has already been filed on the record. This application stands disposed of.

CMP(M) No.108 of 2007.

This application has been moved by the appellants with a prayer that the legal representatives of deceased respondents No.2, Piar Singh, be brought on the record of the case. It is submitted that he had died on 14.7.2003 i.e. when the Reference Petition was pending disposal before the Land Reference Court. A prayer has been made that the Reference may be declared to have abated.

I have heard learned counsel for the appellants and have gone through the application.

It was the duty of the legal heirs of respondent No.2 to have moved the Reference Court for proper representation of his estate. Such action not having been taken, this application is allowed. The legal representatives of respondent No.2, as named in paragraph-5 of the

application, are directed to be brought on the record of the case. This application stands disposed of.

CMP(M) No.109 of 2007.

This application has been moved by the appellants under Section 5 of the Limitation Act with a prayer that the delay in filing the application for bringing on record the legal representatives of deceased respondent No.2 be condoned in the interest of justice.

I have heard learned Additional Advocate General.

I am satisfied that the delay which has been occasioned is bonafide and is not deliberate, moreso, in view of the fact that it was the duty of the legal heirs of respondent No.2 to have moved the Reference Court for proper representation of his estate. Under the circumstances, this application is allowed and the delay in filing the application is condoned in the interest of justice. The application is disposed of.

CMP No.76 of 2007.

Heard.

This application is allowed as a separate application for bringing on record the legal representatives of deceased respondent No.16, Smt.Krishani Devi, has been moved by the applicants. This application stands disposed of.

CMP(M) Nos.110 and 111 of 2007.

Both these applications have been taken up together and disposed of by a common order. The appellants pray that the delay in filing the application for bringing on record the legal representatives of deceased

respondent No.16, Smt.Krishani Devi, be condoned in the interest of justice. It is submitted that she had died on 14.4.2003, when the matter was pending

RFA No.370 of 2006

before the learned Reference Court and that it was the duty of the heirs of the deceased respondent to have moved the Reference Court for appropriate action in accordance with law.

In the facts and circumstances, I am satisfied that the delay which has been caused is bonafide and is not deliberate. This application is, accordingly, allowed. It is directed that the legal representative of deceased respondent No.16 Smt.Krishani Devi, as named in paragraph No.5 of the application, be brought on the record of the case. Both these applications are disposed of.

CMP No.77 of 2007, CMP(M) Nos.112 and 113 of 2007.

The appellants have averred that respondent No.17 has died on 14.3.1992. Reference Petition was instituted on 16.1.2002. In another words the death of the respondent had occurred even before the Reference Petition was instituted. It is not clear as to under what circumstances she was represented before the learned Reference Court and who submitted the authority and who authorised the counsel to appear on her behalf. Obviously, in so far as if the factum regarding the death, which is supported by a death certificate which has been filed by the State, is correct, proceedings qua respondent No.17 would be without jurisdiction and void.

Notices of all these applications that is CMP No.77 of 2007, CMP(M) Nos.112 and 113 of 2007 were issued to the legal representatives of the deceased respondent No.17, Smt.Chinta Devi. They have been served, but nobody appears on their behalf. They are proceeded ex-parte.

All these applications are allowed subject to the condition that the effect of the death of respondent No.17 before the institution of the

RFA No.370 of 2006

Reference Petition will be considered at the time of the hearing of the main appeal. These applications are accordingly disposed of.

CMP No.78 of 2007.

Heard.

This application is allowed. The name of Shri Paras Ram is ordered to be deleted from the array of the respondents. This application is disposed of.

CMP(M) Nos.114 and 115 of 2007.

Both these applications have been moved by the appellants for bringing on record the legal representatives of deceased respondent No.1, Shri Paras Ram and for condonation of delay in filing the application.

I have heard learned counsel for the appellants and have gone through the record of the case.

I am satisfied that the delay which has been occasioned is bonafide and is not deliberate. Under the circumstances, both these applications are allowed. Legal representative of deceased respondent No.1, as named in paragraph No.5 of CMP(M) No.114 of 2007, are directed to be brought on the record of the case. The applications are disposed of.

Amended memo of parties be filed within three weeks from today.

RFA No.370 of 2006.

Let notices of the main appeal be issued to the newly added legal representatives of the deceased respondents.

August 23, 2007
(aks)

(Dev Darshan Sud)
Judge

FAO No.332 of 2006.

23.08.2007 Present: Mr.H.S. Rawat, Advocate, for the appellants.
Ms.Madhu Sharma, Advocate, for minor respondents No.2 to 5.

CMP No.742 of 2007.

This application has been moved by the appellant with a prayer that respondents No.2 to 5, who are minors, have not been represented despite the fact that their mother/natural guardian has been served.

Heard learned counsel for the appellants.

This application is allowed. Ms.Madhu Sharma, Advocate, is appointed as guardian-ad-litem for minor respondents No.2 to 5. Her fee is fixed at Rs.5000/-. Learned counsel appearing for the appellants will supply a complete paper book to Ms.Madhu Sharma, Advocate. Professional charges shall also be paid within four weeks from today.

This application stands disposed of.

**August 23, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No. 290 of 2006.

23.08.2007 Present: Mr. Naginder Thakur, Advocate, for the appellant.
Ms. Anita Dogra, vice counsel for respondent No. 2.

FAO 290 of 2006.

This appeal has been compromised before the Lok Adalat on 21.4.2007. Parties have accepted the correctness of the compromise. The appeal is disposed of in terms of the compromise arrived at between the parties.

CMP No. 740 of 2007.

Heard learned counsel for the parties. It is directed that the amount deposited in this Court be released in favour of the claimant along with interest and be remitted to her bank account, particulars whereof have been given in paragraph-3 of the application. This application is disposed of.

**August 23, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.381 of 2006.

23.08.2007 Present: Mr.Rajiv Jeevan, Advocate, for the appellant.

No.1 Mr.Dibender Ghosh, Advocate, for respondents-claimants to 4.

Ms.Anita Dogra, Advocate, for respondent No.5.

Ms.Salochana Kaundal, Advocate, for respondent No.6.

CMP No.432 of 2007.

Heard learned counsel for the applicant-claimant.

It is directed that an amount of Rs.two lacs, out of the awarded amount which has been deposited in this Court, be released in favour of claimant No.1 and be remitted to her bank account, particulars whereof will be supplied by the learned counsel appearing for the claimant. This amount will be deducted from her share.

A further direction is issued that the interest accruing on the entire balance amount will be remitted to her bank account regularly. This amount will be utilized by her for the education and upkeep of her children.

This application is disposed of.

August 23, 2007
(aks)

(Dev Darshan Sud)
Judge

RFA No.68 of 2007.

23.08.2007 Present: Mr.Virender Verma, Additional Advocate General, for the appellants.

CMP(M) No.670 of 2007.

The notices of this application were issued to the respondents, who have been served. Nobody appears on their behalf. Both the respondents are proceeded ex-parte.

This application has been moved by the appellant with a prayer that the delay in filing the appeal may be condoned in the interest of justice.

I have heard learned counsel for the parties. I find that the delay which has been occasioned is bonafide and is not deliberate. This application is allowed. The delay in filing the appeal is condoned in the interest of justice. The application is disposed of.

RFA No.68 of 2007.

Admit.

CMP No.204 of 2007.

Heard.

Subject to the appellants' depositing the entire awarded amount alongwith costs and interest in this Court within a period of six weeks from today, the execution of the award shall remain stayed during the pendency of the appeal. It is clarified that in case the deposit is not made, the order shall stand vacated without reference to the Court. The application is disposed of.

CMP No.723 of 2007.

This application has been moved by the appellant with a prayer to bring on record the fact that respondent No.2 is a major and is married. The application is accompanied by the marriage certificate issued by the Gram Panchayat, Kasauli, Garkhal, District Solan and the certificate issued by the Gram Panchayat Mailan, Tehsil

Kumarsain, District Shimla, to the effect that she is alive. The facts stated therein are taken on record. This application is accordingly allowed.

August 23, 2007
(aks)

(Dev Darshan Sud)
Judge

FAO No.197 of 2007.

23.08.2007 Present: Mr.D.Ghosh vice counsel for the appellant.
Mr.K.R. Thakur, Advocate, for respondents No.1 & 2.

CMP(M) No.386 of 2007.

This application has been moved by the appellant with a prayer that the delay in filing the appeal may be condoned in the interest of justice.

I have heard learned counsel for the parties. I find that the delay which has been occasioned is bonafide and is not deliberate. This application is allowed. The delay in filing the appeal is condoned in the interest of justice. The application is disposed of.

FAO No.197 of 2007.

Admit.

**August 23, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.302 of 2007.

23.08.2007 Present: Mr.D.Ghosh vice counsel for the appellant.
Mr.S.R. Sharma, Advocate, for the respondent.

CMP(M) No.543 of 2007.

This application has been moved by the appellant with a prayer that the delay in filing the appeal may be condoned in the interest of justice.

I have heard learned counsel for the parties. I find that the delay which has been occasioned is bonafide and is not deliberate. This application is allowed. The delay in filing the appeal is condoned in the interest of justice. The application is disposed of.

FAO No.302 of 2007.

Admit on the substantial questions of law No.1 to 3 as formulated at page No.6 of the appeal.

**August 23, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.272 of 2007.

23.08.2007 Present: Mr.S.R. Sharma, Advocate, for the appellant.

CMP(M) No.494 of 2007.

This application has been moved by the appellant with a prayer that the delay in filing the appeal may be condoned in the interest of justice.

I have heard learned counsel for the parties. I find that the delay which has been occasioned is bonafide and is not deliberate. This application is allowed. The delay in filing the appeal is condoned in the interest of justice. The application is disposed of.

FAO No.272 of 2007.

Admit on the substantial questions of law No.1 to 3 as formulated at page No.6 of the appeal. List alongwith ***FAO No.302 of 2007.***

CMP No.607 of 2007.

Heard.

This application is allowed. It is directed that the amount, which has been deposited with the Commissioner, Workmen Compensation Act, be called for immediately to this Court and, on receipt, to invest the same in fixed deposit. It is further directed that the amount shall not be disbursed to the claimant without prior permission of this Court. The application stands disposed of.

Dasti copy on usual terms.

**August 23, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.304 of 2007.

23.08.2007 Present: Mr.B.M. Chauhan, Advocate, for the appellant.

CMP(M) No.548 of 2007.

Notice returnable within three weeks. Reply, if any, be filed
in the meanwhile.

**August 23, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RFA No.202 of 2005.

21.08.2007 Present: Mr.Virender Verma, Additional Advocate General, for the appellants.
Mr.Ramakant Sharma, Advocate, for respondents No.1 to 3.

CMP No.717 of 2007.

This application has been moved by the appellants with a prayer that the execution of the award be stayed during the pendency of the appeal.

On 1.7.2005 this Court had passed an order that the execution of the award will remain stayed subject to the condition that the appellants deposited the entire awarded amount. In case of failure to deposit, the claimants-respondent will be free to execute the impugned award. Learned Additional Advocate General states that the awarded amount has been deposited on 18.5.2007 in the Court of the learned Additional District Judge (Presiding Officer, Fast Track Court), Solan.

I have heard learned Additional Advocate General and have gone through the record.

I am satisfied that the order dated 1.7.2005 requires to be modified. It is directed that the execution of the award shall remain stayed during the pendency of this appeal. The Registry is directed to call for the amount from the Court of the learned Additional District Judge (Presiding Officer, fast Track), Solan and to invest the money in fixed deposit. The application is disposed of.

**August 21, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RFA No.201 of 2005.

21.08.2007 Present: Mr.Virender Verma, Additional Advocate General, for the appellants.
Mr.Ramakant Sharma, Advocate, for respondents No.1 to 3.

CMP No.716 of 2007.

This application has been moved by the appellants with a prayer that the execution of the award be stayed during the pendency of the appeal.

On 1.7.2005 this Court had passed an order that the execution of the award will remain stayed subject to the condition that the appellants deposited the entire awarded amount. In case of failure to deposit, the claimants-respondent will be free to execute the impugned award. Learned Additional Advocate General states that the awarded amount has been deposited on 18.5.2007 in the Court of the learned Additional District Judge (Presiding Officer, Fast Track Court), Solan.

I have heard learned Additional Advocate General and have gone through the record.

I am satisfied that the order dated 1.7.2005 requires to be modified. It is directed that the execution of the award shall remain stayed during the pendency of this appeal. The Registry is directed to call for the amount from the Court of the learned Additional District Judge (Presiding Officer, fast Track), Solan and to invest the money in fixed deposit. The application is disposed of.

**August 21, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RFA No.199 of 2005.

21.08.2007 Present: Mr.Virender Verma, Additional Advocate General, for the appellants.
Mr.Ramakant Sharma, Advocate, for respondents No.1 to 3.

CMP No.715 of 2007.

This application has been moved by the appellants with a prayer that the execution of the award be stayed during the pendency of the appeal.

On 1.7.2005 this Court had passed an order that the execution of the award will remain stayed subject to the condition that the appellants deposited the entire awarded amount. In case of failure to deposit, the claimants-respondent will be free to execute the impugned award. Learned Additional Advocate General states that the awarded amount has been deposited on 18.5.2007 in the Court of the learned Additional District Judge (Presiding Officer, Fast Track Court), Solan.

I have heard learned Additional Advocate General and have gone through the record.

I am satisfied that the order dated 1.7.2005 requires to be modified. It is directed that the execution of the award shall remain stayed during the pendency of this appeal. The Registry is directed to call for the amount from the Court of the learned Additional District Judge (Presiding Officer, fast Track), Solan and to invest the money in fixed deposit. The application is disposed of.

**August 21, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.284 of 2007.

21.08.2007 Present: Mr.Bhuvnesh Sharma, Advocate, for the appellants.

In order dated 10.7.2007 the words “The application is disposed of” have been mentioned by mistake. This error has come to the notice of this Court. It is directed that these words shall stand deleted from the order passed in ***CMP No.482 of 2007***. It will be read without the words “The application is disposed of”.

August 21, 2007
(aks)

(Dev Darshan Sud)
Judge

RSA No.368 of 2007.

21.08.2007 Present: Mr.C.N. Singh, Advocate, for the appellant.

CMP(M) No.586 of 2007.

Notice returnable within three weeks. Reply, if any, be filed
in the meanwhile.

**August 21, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.367 of 2007.

21.08.2007 Present: Mr.C.N. Singh, Advocate, for the appellant.

CMP(M) No.585 of 2007.

Notice returnable within three weeks. Reply, if any, be filed
in the meanwhile.

**August 21, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CS No.39 of 2007.

21.08.2007 Present: Mr.Balwant Kukreja, Advocate, for the plaintiffs.
Mr.Romesh Verma, Advocate, for the defendant.

CS No.39 of 2007.

Learned counsel for the plaintiffs prays for and is granted four weeks time to file replication.

OMP No.260 of 2007.

The defendant prays that he be exempted from filing the translated copy of the affidavit dated 30.3.2006 which is in Hindi.

I have heard learned counsel for the parties.

Translated copy of the affidavit be filed within four weeks from today. This application is disposed of.

OMP No.265 of 2007.

Learned counsel appearing for the plaintiffs prays that the documents which are in vernacular be got translated from the Official Translators of this Court at the expenses of the plaintiffs.

I have heard learned counsel for the parties.

Prayer made by the learned counsel is allowed. It is directed that the documents which are in vernacular be got translated by the Official Translators at the costs of the plaintiffs. The application is disposed of.

**August 21, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.346 of 2006.

21.08.2007 Present: Mr.Ajay Baluja vice counsel for the appellant.

None for the respondent.

List after two weeks, as prayed for by the learned counsel
appearing for the appellant.

August 21, 2007
(aks)

(Dev Darshan Sud)
Judge

21.08.2007 Present: Mr.D.Ghosh, Advocate, for the appellants.

Mr.Deepak Bhasin, Advocate, for respondent No.3.

In FAO No.329 of 2006, titled: National Insurance Company Ltd. vs. Smt.Kubja Devi and Others, which has been preferred by the Insurance Company against the same award, the name of respondent No.2(a), who is representing the estate of the driver of the vehicle, has been deleted. Learned counsel for the appellants submits that no steps would be required for appointing guardian-ad-litem for respondent No.2(a) as his name stands deleted from the array of the respondents in the connected appeal.

I have heard learned counsel for the parties.

On 3.8.2007 the following order was passed in FAO No.329 of 2006:-

“Mr.Deepak Bhasin submits that respondent No.8 is a legal heir of the person driving the vehicle and therefore is not a necessary party and may be deleted from the array of respondents. Prayer granted. Name of respondent No.8 is ordered to be deleted from the array of respondents. Amended memo of parties be filed within one week”.

In view of the order passed above, similar order is required to be passed in this appeal arising out of the same judgment. It is ordered that the name of respondent No.2(a) be deleted from the array of the respondents.

List alongwith **FAO No.329 of 2006.**

August 21, 2007
(aks)

(Dev Darshan Sud)
Judge

CMP(M) No.329 of 2006.

21.08.2007 Present: Mr.Suneel Chaudhary vice counsel for the appellants.
Mr.N.K. Thakur, Advocate, for the respondents.

The suit, out of which this appeal arises, is listed for arguments before the learned trial Court on **8th October, 2007**. No stay of proceedings has been granted by this Court. Learned trial Court is directed to dispose of the matter in accordance with law on the day so fixed for arguments. List the matter for further proceedings in the ***1st week of November, 2007***.

August 21, 2007
(aks)

(Dev Darshan Sud)
Judge

RFA No.203 of 2005.

21.08.2007 Present: Mr.Virender Verma, Additional Advocate General, for the appellants.
Mr.Ramakant Sharma, Advocate, for respondents No.1 to 3.

CMP No.718 of 2007.

This application has been moved by the appellants with a prayer that the execution of the award be stayed during the pendency of the appeal.

On 1.7.2005 this Court had passed an order that the execution of the award will remain stayed subject to the condition that the appellants deposited the entire awarded amount. In case of failure to deposit, the claimants-respondent will be free to execute the impugned award. Learned Additional Advocate General states that the awarded amount has been deposited on 18.5.2007 in the Court of the learned Additional District Judge (Presiding Officer, Fast Track Court), Solan.

I have heard learned Additional Advocate General and have gone through the record.

I am satisfied that the order dated 1.7.2005 requires to be modified. It is directed that the execution of the award shall remain stayed during the pendency of this appeal. The Registry is directed to call for the amount from the Court of the learned Additional District Judge (Presiding Officer, fast Track), Solan and to invest the money in fixed deposit. The application is disposed of.

**August 21, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

Coy.Petition No.10 of 2005.

21.08.2007 Present: Mr.C.N. Singh, Advocate, for the petitioner.
Mr.Aman Sood, Advocate, for the respondent.

List before another Bench.

August 21, 2007
(aks)

(Dev Darshan Sud)
Judge

21.08.2007 Present: Mr.B.K. Sood, Advocate, for the appellant.
Mr.Neeraj Gupta, Advocate, for respondent No.1.

CMP (M) No.857 of 2007.

Notice of this application was issued to the proposed legal representatives of respondent No.7, Smt.Premi Devi. They are being duly served, but none appeared on their behalf. They are proceeded ex-parte.

I have heard learned counsel for the parties and have gone thorough the application.

I am satisfied that the delay which has been occasioned in moving this application is bonafide and is not deliberate. This application is, accordingly, allowed. It is directed that the legal representatives of deceased respondent No.7, Smt.Premi Devi, as named in paragraph-3 of the application, be brought on the record of this appeal. Amended memo of parties be filed within two weeks from today.

This application is disposed of.

**August 21, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CR No.105 of 2003.

21.08.2007 Present: Mr.Romesh Verma, Advocate, for the petitioners.
Mr.Ramakant Sharma, Advocate, for the respondents.

CMP (M) No.156 of 2007.

This application has been moved under Order 22 Rule 3 and 9 of the Code of Civil Procedure with a prayer that legal representatives of the sole petitioner Anwar Ahmed, who has died on 18.12.2006, be taken on the record of the case.

I have heard learned counsel for the parties and have gone through the record.

This application is not opposed. It is allowed. The delay in filing the application is condoned. The legal representatives of deceased petitioner, who are applicants in this application, are directed to be brought on the record of the case. The application is disposed of.

CMP (M) No.570 of 2007.

This application has been filed under Order 22 Rule 4 and 9 of the Code of Civil Procedure with a prayer that the legal representatives of the sole respondent Sat Parkash, who has died during the pendency of the revision petition, may be brought on the record of the case.

I have heard learned counsel for the parties and have gone through the record.

This application is not opposed. It is allowed. The delay in filing the application is condoned. The legal representatives of deceased respondent, as named in paragraph- 4 of the application, are directed to be brought on the record of the case. The application is disposed of.

CR No.105 of 2003.

(2)

CR No.105 of 2003.

Shri Ramakant Sharma, learned counsel has put in appearance for the legal representatives of deceased Shri Sat Parkash. He prays for and is granted two weeks time to file power of attorney. In the meantime, amended memo of parties be filed.

**August 21, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CS No.15 of 2003.

21.08.2007	Present:	Mr.B.K. Sood, Advocate, for the plaintiff.
		Mr.S.R. Sharma, Advocate, for defendants No.1, 3 and 4.
		Mr.Suneet Goel, Advocate, for the applicants in OMP No.115 of 2007.

List before another Bench.

August 21, 2007
(aks)

(Dev Darshan Sud)
Judge

RSA No.131 of 2002.

21.08.2007 Present: Mr.N.K. Thakur, Advocate, for the appellants.
Mr.Neeraj Gupta, Advocate, for the respondent.

CMP No.551 of 2007.

This application has been moved by the respondent-plaintiff with a prayer that an injunction may be issued in his favour restraining the appellants from selling, transferring, encumbering or changing the nature of the suit property in any manner till final disposal of the appeal.

I have heard learned counsel for the parties.

From the material on record I am satisfied that the applicant-respondent has been able to make out a prima facie case in his favour. It is directed that during the pendency of the appeal the appellants will not sell, transfer, encumber or change the nature of the suit property in any manner. The application is disposed of.

August 21, 2007
(aks)

(Dev Darshan Sud)
Judge

FAO No.359 of 1999.

21.08.2007 Present: Mr.Mohinder Gautam, Advocate, for the appellant.
Mr.Romesh Verma, Advocate, for respondent No.1.

CMP No.694 of 1999.

This application has been filed by the appellant with a prayer to lead additional evidence. Reply to the application has been filed. Rejoinder, if any, be filed before the appeal is taken up for final hearing. The application will be considered alongwith the main appeal.

CMP No.93 of 2007.

Heard.

This application is allowed. The judgment, which has been filed, be taken on the record of the case. The legal effect of the judgment will be considered at the time of hearing of the appeal. This application is disposed of.

**August 21, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RFA No.15 of 1996.

21.08.2007 Present: Mr.Ajay Mohan Goel, Advocate, for the appellant-non-applicant.

Mr.Virender Verma, Additional Advocate General, for respondent-non-applicant No.14.

None for the applicants-claimants.

CMP No.127 of 2007.

List the application before the Registrar (Inspection) who will determine the amount payable to the claimants-applicants.

**August 21, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RFA No.60 of 2000.

17.08.2007 Present: Mr.Ramakant Sharma, Advocate, for the appellants.
Mr.R.K. Bawa, Senior Advocate with Mr.Inderjit Singh Narwal, Advocate, for the respondent.

CMP No. 659 of 2007.

Heard learned counsel for the parties. The application is allowed and the name of appellant No.1 is ordered to be changed as prayed for. Amended memo has been filed. Be taken on the record. The application is disposed of.

CMP No. 660 of 2007.

This application has been filed by the appellants with the prayer that the appeal may be permitted to be withdrawn in view of out of court settlement arrived at between the parties. Photocopy of the agreement of out of court settlement has been filed with this application as Annexure A-2. The application is not opposed by the respondents. Learned counsel for the respondents submits that no reply is intended to be filed and the application be allowed as prayed for. The application is accordingly allowed. Permission is granted to the appellants to withdraw the appeal. The application is disposed of.

CMP No 661 of 2007.

This application has been filed with the prayer that the amount of income tax deposited with the Income Tax authorities and the balance amount be refunded in favour of the claimant. This application is allowed. It is directed that as agreed upon between the parties, the amount of compensation be released in favour of the claimant-respondent. Out of this amount a sum of Rs. 31,861/- is directed to be paid to the appellants in lieu of the income tax deposited by them and be remitted to their Bank accounts. The amount be released in

favour of the claimants in proportion to their shares along with interest on furnishing their respective bank account numbers. Learned counsel for the claimant submits that

RFA No.60 of 2000

2

particulars will be supplied within three weeks from today. The application is disposed of.

RFA No. 60 of 2000.

Dismissed as withdrawn. All interim orders shall stand vacated.

CMP No. 662 of 2007.

Allowed. Court fee in accordance with law is directed to be refunded to the appellants.

**August 17, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RFA No.170 of 2000.

17.08.2007 Present: Mr.Ramakant Sharma, Advocate, for the appellants.
Mr.Romesh Verma, Advocate, for respondent No.1.
Mr.Rajan Dewan, Additional Advocate General, for respondent No.2.

CMP No. 669 of 2007.

Heard learned counsel for the parties. The application is allowed and the name of appellant No.1 is ordered to be changed as prayed for. Amended memo has been filed. Be taken on the record. The application is disposed of.

CMP No. 670 of 2007.

This application has been filed by the appellants with the prayer that the appeal may be permitted to be withdrawn in view of out of court settlement arrived at between the parties. Photocopy of the agreement of out of court settlement has been filed with this application as Annexure A-2. The application is not opposed by the respondents. Learned counsel for the respondents submits that no reply is intended to be filed and the application be allowed as prayed for. The application is accordingly allowed. Permission is granted to the appellants to withdraw the appeal. The application is disposed of.

RFA No. 170 of 2000.

Dismissed as withdrawn. All interim orders shall stand vacated.

CMP No. 671 of 2007.

Allowed. Court fee in accordance with law is directed to be refunded to the appellants.

August 17, 2007

(Dev Darshan Sud)

(aks)

Judge

RSA No.343 of 2004.

17.08.2007 Present: Mr.Ashok Kumar Sood, Advocate, for the appellants.
Mr.Y.Paul, Advocate, for respondent No.1.

At the request of learned counsel appearing for the contesting
respondent list the matter after two weeks.

August 17, 2007
(aks)

(Dev Darshan Sud)
Judge

RFA No.483 of 2004.

17.08.2007 Present: Mr.Rajan Dewan, Additional Advocate General, for the appellants.

Mr.Rahul Mahajan, Advocate, for the respondents.

Learned counsel appearing for the respondents-claimants submits that the particulars of the bank account of respondent-claimant No.4 will be furnished in the Registry during the next two days. Let him do so.

**August 17, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CR No.50 of 2005.

17.08.2007 Present: Mr.Bhuvnesh Sharma, Advocate, for the petitioner.
 Mr.J.R. Thakur, Advocate, for the respondent.

Learned counsel for the respondent is directed to file a detailed affidavit showing the use and occupation charges paid to the petitioner. The details would state the rate as also the mode of payment. List the matter after three weeks.

August 17, 2007
(aks)

(Dev Darshan Sud)
Judge

Ex.Petition No.4 of 2006.

17.08.2007 Present: Ms.Devyani Sharma, Advocate, for the Decree Holder.

Mr.Rajan Dewan, Additional Advocate General, for the
Judgment Debtor-State.

The order dated 6.7.2007 has not been complied with.
Learned counsel appearing for the parties pray for and are granted three
weeks time to take necessary steps.

August 17, 2007
(aks)

(Dev Darshan Sud)
Judge

Ex.Petition No.7 of 2006.

17.08.2007 Present: Mr.Suneet Goel, Advocate, for the Decree Holder.
 Ms.Ranjana Parmar, Advocate, for the Judgment Debtor.

Learned counsel appearing for the Judgment Debtor prays for
and is granted two weeks time to file necessary details in the nature of
challans etc. for Income Tax deducted at the source and Sales Tax paid on
behalf of the Decree Holder under the relevant statute. List after two weeks.

August 17, 2007
(aks)

(Dev Darshan Sud)
Judge

Arb.Case No.29 of 2006.

17.08.2007 Present: Mr.Ramakant Sharma, Advocate, for the petitioner.
Mr.Vikram Thakur vice counsel for the respondent.

List before another Bench.

**August 17, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CS No.50 of 2006.

17.08.2007 Present: Mr.Deepak Kaushal, Advocate, for the plaintiffs.

for Ms.Madhu Sharma vice Mr.Ashwani K. Sharma, Advocate,
the defendant.

OMPs No.284 and 290 of 2007.

Learned counsel appearing for the plaintiffs prays for and is granted three weeks time to file reply(s) to both the applications. Rejoinder, if any, be filed within the next two weeks. List thereafter.

OMP No.285 of 2007.

Heard learned counsel for the parties.

It is directed that the documents in Hindi be got translated by the Official Translators of this Court at the expenses of the plaintiff. This application is disposed of.

**August 17, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RFA No.122 of 2006.

17.08.2007 Present: Mr.Ravinder Thakur, Central Government Counsel, for the appellant.

Mr.Sunil Mohan Goel, Advocate, for respondents No.1, 2 & 4.

Mr.Rajan Dewan, Additional Advocate General, for respondents No.5 and 6.

Steps for bringing on record the legal representatives of deceased respondent No.3 have not been taken by the appellant. At the request of learned counsel appearing for the appellant necessary steps be taken within two weeks from today.

**August 17, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RFA No.265 of 2006.

17.08.2007 Present: Mr.Kartar Singh vice counsel for the appellant.
Mr.Rajan Dewan, Additional Advocate General, for
respondents No.7 and 8.

None for respondents No.1, 2 and 4 to 6.

CMP(M) Nos.565 and 566 of 2007.

These two applications have been moved by the appellant under Order 22 Rule 4 and 9 of the Code of Civil Procedure and Section 5 of the Limitation Act with a prayer that respondent No.3, Smt. Salgu, has died and her legal representatives be brought on the record of the case. The appellant has averred that the respondent No.3 had died on 5.8.2005, much before the award had been announced, and that it was the duty of the respondents-claimants to take appropriate steps before the Reference Court.

I have heard learned counsel for the parties and have gone through the record.

I am satisfied that the delay which has been occasioned is bonafide and that this application deserves to be allowed, more especially, when the respondents-claimants have failed to perform their duty before the learned Reference Court. Both these applications are accordingly, allowed. Delay in filing the application is condoned in the interest of justice. It is directed that the legal representatives as mentioned in paragraph-1 of the CMP(M) No.565 of 2007 be brought on the record of the case. Amended memo of parties be filed within two weeks from today.

Both these applications are disposed of.

RFA No.265 of 2006.

Notice to the newly added legal representatives of respondent No.3 be issued.

**August 17, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

Ex.Petition No.2 of 2007.

17.08.2007 Present: Mr.Bimal Gupta, Advocate, for the DH.

Mr.K.D. Sood, Advocate, for the JD.

List before another Bench.

August 17, 2007
(aks)

(Dev Darshan Sud)
Judge

Ex.Petition No.6 of 2007.

17.08.2007 Present: Mr.Bimal Gupta, Advocate, for the DH.

Mr.K.D. Sood, Advocate, for the JD.

List before another Bench.

August 17, 2007
(aks)

(Dev Darshan Sud)
Judge

Ex.Petition No.5 of 2007.

17.08.2007 Present: Mr.Bimal Gupta, Advocate, for the DH.

List before another Bench.

August 17, 2007
(aks)

(Dev Darshan Sud)
Judge

Ex.Petition No.7 of 2007.

17.08.2007 Present: Mr.Suneet Goel, Advocate, for the DH.

 Mr.Rajan Dewan, Additional Advocate General, for the JDs-
 State.

Learned counsel appearing for the parties submitted that the matter is in appeal and that the operation of the judgment has been stayed by a Division Bench of this Court. List the matter after the decision in *Arbitration Appeal No.8 of 2007*.

August 17, 2007
(aks)

(Dev Darshan Sud)
Judge

FAO No.256 of 2007.

17.08.2007 Present: Ms.Devyani Sharma, Advocate, for the appellant.

CMP(M) No.455 of 2007.

Notice returnable within four weeks. Reply, if any, be filed
in the meanwhile.

**August 17, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CR No.120 of 2007

17.08.2007 Present: Mr.Balwant Kukreja, Advocate, for the petitioner.

CR No.120 of 2007.

Admit.

List alongwith *Civil Revision No.132 of 2005* arising
between the same parties.

**August 17, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

13.08.2007 Present: Mr.Baldev Singh, Advocate, for the appellant.
Ms.Seema Guleria, Advocate, for the respondents.

Learned counsel appearing for the appellant submits that the appeal has been admitted on substantial questions of law 1 and 2 as recorded by this Court in its order dated 20.9.1996. He submits that the pleadings of the parties and the record require that the appeal be heard on another substantial question of law which arises in the present case i.e. as to whether an adverse inference should have been drawn against the defendant who has not appeared in the witness box. Section 100 of the Code of Civil Procedure requires that the appeal is to be heard only on the substantial questions of law involved in the case and on no other ground. Proviso to sub-section (5) of Section 100 vests powers in this Court to hear the appeal on any such substantial question of law not formulated if it is satisfied that the case involves such a question. On going through the record of the case and after having heard the learned counsel appearing for the parties for considerable length, I am satisfied that the following question also requires determination namely:-

“Whether the Courts below were correct in dismissing the suit of the plaintiff when the defendant, who was author of the agreement Ex.PW-2/A, had not appeared in the witness box without any justifiable reasons and an adverse inference?”

This question has been allowed to be raised since the matter is regarding the absence of the parties as witnesses in a case. The matter

assumes significance when the truth or veracity of the case of a party would

RSA No.74 of 1996.

(2)

depend upon cross-examining and confronting that particular party with the document in question.

Arguments heard. Judgment reserved.

August 13, 2007
(aks)

(Dev Darshan Sud)
Judge

CS No.44 of 2002.

14.08.2007 Present: Mr.Bhupender Gupta, Senior Advocate with Mr.Neeraj Gupta, Advocate, for the plaintiff.

Mr.B.K. Sood, Advocate, for defendants No.2 to 6.

Mr.K.D. Sood, Advocate, for defendant No.7.

Mr.Ramakant Sharma, Advocate, for defendant No.8.

OMP No.35 of 2007.

This application has been moved by the plaintiffs under Order 1 Rule 10 read with Section 151 of the Code of Civil Procedure with a prayer that the name of Shri Rattan Lal Goenka, defendant No.1, who expired on 23rd September, 2006, be deleted from the array of defendants.

Learned counsel appearing for the defendants opposes this application on the ground that defendant No.1 is survived inter alia by his daughters who are his legal representatives.

I have heard learned counsel for the parties.

This application is allowed subject to all just exceptions. The name of defendant No.1, Rattan Lal Goenka, is ordered to be deleted from the array of defendants.

This Court is not expressing any opinion regarding the representation or inheritance of the estate of the deceased Rattan Lal Goenka which can be the subject matter of an independent proceeding, if so required. The application is disposed of.

CS No.44 of 2002.

List the matter next week.

**August 14, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

Arb.Case No.33 of 2006.

14.08.2007 Present: Mr.J.S. Bhogal, Senior Advocate with Mr.Suneet Goel,
Advocate, for the petitioner.

Mr.Rajan Dewan, Additional Advocate General, for the
respondents.

At the request of learned Addiitonal Advocate General, list the
matter after three weeks. In the meanwhile, evidence by way of affidavit be
filed.

August 14, 2007
(aks)

(Dev Darshan Sud)
Judge

CS No.17 of 2006.

14.08.2007 Present: Mr.Ankush Dass Sood, Advocate, for the plaintiff.

Mr.J.S. Bhogal, Senior Advocate with Mr.Suneet Goel,
Advocate, for defendants No.1 to 4.

Mr.R.L. Sood, Senior Advocate with Mr.Sanjeev Kumar,
Advocate, for defendant No.5.

OMP No.403 of 2006.

Learned counsel appearing for defendants No.1 to 4 submits that he would be filing reply to this application during the course of the day today.

Learned counsel appearing for defendant No.5 states that he does not oppose the application and that the prayer made by the plaintiff may be allowed. List the matter next week. In the meanwhile, reply be filed by defendants No.1 to 4.

**August 14, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CMP(M) No.228 of 2006.

14.08.2007 Present: Mr.Ajay Chandel, Advocate, for the appellant.

Learned counsel appearing for the appellant submits that he has moved an application under Order 1 Rule 10 of the Code of Civil Procedure for substitution of the name of Smt.Punni Devi by her legal representatives. List the matter after the application is placed on the record of the case.

**August 14, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.393 of 2000.

14.08.2007 Present: Mr.Anuj Nag, Advocate, for the appellants.
 Mr.Subhash Sharma, Advocate, for the respondent.

CMP No.421 of 2006.

Reply has been filed by the appellants. Learned counsel for the respondent prays for and is granted three weeks time to file rejoinder. List thereafter.

**August 14, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CS No.55 of 2000

14.08.2007 Present: Mr.Neeraj Gupta, Advocate, for the plaintiffs.

Mr.J.S. Bhogal, Senior Advocate with Mr.Suneet Goel,
Advocate, for the defendants.

List the matter for hearing after two weeks, as prayed for by
learned counsel appearing for the parties.

August 14, 2007
(aks)

(Dev Darshan Sud)
Judge

RFA No.329 of 1997.

14.08.2007 Present: Mr.Rajan Dewan, Additional Advocate General, for the appellants.

Gupta, Mr.Bhupender Gupta, Senior Advocate with Mr.Neeraj Advocate, for the respondents as well as proposed Legal Representatives of respondent No.5.

At the request of learned Additional Advocate General list the matter after four weeks.

**August 14, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RFA No.335 of 1997.

14.08.2007 Present: Mr.Rajan Dewan, Additional Advocate General, for the appellants.

Mr.Raman Sethi, Advocate, for respondents No.1, 3, 5 & 6.

At the request of learned Additional Advocate General list the matter after four weeks.

**August 14, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RFA No.334 of 1997.

14.08.2007 Present: Mr.Rajan Dewan, Additional Advocate General, for the appellants.

Mr.Raman Sethi, Advocate, for respondents No.1 to 6.

At the request of learned Additional Advocate General list the matter after four weeks.

**August 14, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RFA No.333 of 1997.

14.08.2007 Present: Mr.Rajan Dewan, Additional Advocate General, for the appellants.

 Mr.Raman Sethi, Advocate, for respondents No.1, 2(a) to 2(c), 3 and 4(b).

At the request of learned Additional Advocate General list the matter after four weeks.

August 14, 2007
(aks)

(Dev Darshan Sud)
Judge

RFA No.332 of 1997.

14.08.2007 Present: Mr.Rajan Dewan, Additional Advocate General, for the appellants.

Mr.Raman Sethi, Advocate, for respondents No.1 to 9, 11 & 12.

At the request of learned Additional Advocate General list the matter after four weeks.

**August 14, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RFA No.330 of 1997.

14.08.2007 Present: Mr.Rajan Dewan, Additional Advocate General, for the appellants.

 Mr.Bhupender Gupta, Senior Advocate with Mr.Neeraj Gupta, Advocate, for the respondents.

At the request of learned Additional Advocate General list the matter after four weeks.

**August 14, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

Ex.Petition No.5 of 1993.

14.08.2007 Present: Mr.Ramakant Sharma, Advocate, for the Decree Holder.

At the request of learned counsel appearing for the Decree Holder
list after four weeks.

August 14, 2007
(aks)

(Dev Darshan Sud)
Judge

CR No.130 of 2001.

13.08.2007 Present: Mr.Mohinder Gautam, Advocate, for the petitioner.

Mr.R.K. Bawa, Senior Advocate with Mr.Inderjit Singh
Narwal, Advocate, for the respondent.

CMP No.549 of 2007.

Learned counsel appearing for the respondent seeks and is
granted three weeks time to file reply.

**August 13, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

13.08.2007 Present: Mr.Sunil Mohan Goel, Advocate, for the appellants.
Mr.N.K. Sood, Advocate, for respondents No.1 to 5.
Mr.K.D. Sood, Advocate, for respondent No.6.

CMP No.588 of 2007.

Heard learned counsel for the parties.

This application is not opposed. It is directed that a sum of Rs.25,000/- alongwith interest, as prayed for, be released in favour of the applicant-appellant No.2 by remitting it to his bank account, details whereof have been given in paragraph-4 of this application. This application is disposed of.

**August 13, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

Coy.Petition No.2 of 2002.

13.08.2007 Present: Mr.Suneet Goel, Advocate, for the petitioner.
Mr.Sanjeev Kuthiala, Advocate, for the Official Liquidator.
Mr.Subhash Sharma, Advocate, for respondent No.2.
Mr.Ajay Kumar, Advocate, for respondent No.3.

At the request of learned counsel appearing for the petitioner list
after one week.

August 13, 2007
(aks)

(Dev Darshan Sud)
Judge

RFA No.134 of 2004.

13.08.2007 Present: Mr.Rajan Dewan, Additional Advocate General, for the appellants.

Mr.Sunil Mohan Goel, Advocate, for the respondent.

CMP No.412 of 2007.

Heard learned counsel for the parties.

It is directed that 50% of the awarded amount be released in favour of the claimant by remitting it to his bank account, particulars whereof have been given in the application. This application is disposed of.

**August 13, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CR No.154 of 2004.

13.08.2007 Present: Mr.Vikas Rajput, Advocate, for the petitioner.

Mr.Ashutosh Burathoki, Advocate, for the respondents.

Learned counsel appearing for the petitioner submits that Shri Rakeshwar Lall Sood, Senior Counsel, instructed in the matter, is not well and is not attending the Court. List the matter next week, as prayed for.

August 13, 2007
(aks)

(Dev Darshan Sud)
Judge

FAO No.233 of 2004.

13.08.2007 Present: None.

FAO No.233 of 2004.

The appeal has been compromised by the parties before the Lok Adalat on 21st April, 2007. Parties had agreed to be bound unequivocally by the terms arrived at by them. This appeal is accordingly disposed of in terms of the compromise entered into between the parties on 21st April, 2007.

CMP No.703 of 2007.

List next week.

**August 13, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

Ex.Petition No.10 of 2005.

13.08.2007 Present: Mr.Balwant Kukreja, Advocate, for the Decree Holder.
 Mr.Navlesh Verma, Advocate, for JDs No.1 and 2.

Learned counsel appearing for the Decree Holder prays for and is granted four weeks time for furnishing necessary particulars for drawing up the proclamation under Order 21 Rule 66 of the Code of Civil Procedure. List thereafter.

August 13, 2007
(aks)

(Dev Darshan Sud)
Judge

RFA No.336 of 2005.

13.08.2007	Present:	Mr.Ravinder Thakur, Central Government Counsel, for the appellant.
		Mr.Rajan Dewan, Additional Advocate General, for respondents No.5 & 6.

At the request of learned counsel appearing for the appellant, eight weeks' further time, and no more, is granted to the appellant to take necessary steps for the service of respondent No.3.

August 13, 2007
(aks)

(Dev Darshan Sud)
Judge

Arb.Case No.30 of 2006.

13.08.2007 Present: Mr.Rajan Dewan, Additional Advocate General, for the petitioner.

Mr.Tek Chand Sharma, Advocate, for the respondent.

Learned Additional Advocate General prays for and is granted four weeks time for filing evidence by way of affidavit in the matter. Learned counsel appearing for the respondent also prays for time to file counter affidavit. Let the same be filed within three weeks after the affidavit has been filed by the State.

**August 13, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CR No.140 of 2006.

13.08.2007 Present: Mr.Imran Khan, Advocate, for the petitioners.
Mr.Ashok Sood, Advocate, for the respondent.

CMP No.482 of 2007.

This application has been moved by the petitioner with a prayer that he be reinstated in the premises, which is a subject matter of the petition.

I have heard learned counsel for the parties. Grant of relief, at this stage, would mean practically allowing the revision petition. In the circumstances, no interim relief can be granted, at this stage.

It is clarified that the disputed premises will abide by the result of this petition. In case an order is passed against the respondent, he will ensure that the petitioner is reinstated in the premises forthwith. This application is disposed of.

**August 13, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.293 of 2006.

13.08.2007 Present: Mr.B.P. Sharma, Senior Advocate with Mr.Sandeep Vashisht, Advocate, for te appellants.

Mr.Neeraj Gupta, Advocate, for respondents No.1 to 4.

Steps for the service of respondents No.5 to 8 have not been taken. Learned counsel appearing for the appellants prays for and is granted four weeks time to take necessary steps. It is clarified that in case no such steps are taken, the appeal shall stand dismissed for non prosecution without reference to the Court.

**August 13, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.347 of 2006.

13.08.2007 Present: Mr.Anurag Goswami vice counsel for the appellant.
Mr.A.Burathoki, Advocate, for respondent No.3.

CMP No.702 of 2007.

Heard.

This application is allowed.

It is directed that in case the amount is not deposited within two weeks from today, the stay order shall stand vacated without reference to this Court. This application is disposed of.

**August 13, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

Co.Pet.No.5 of 2007.

13.08.2007 Present: None for the petitioner.

Mr.Suneet Goel, Advocate, for the respondents.

Learned counsel appearing for the Company has drawn my attention to the order passed by the Appellate Authority for Industrial and Financial Reconstruction, staying the operation of the order for winding up passed by the BIFR. The matter was to be listed on 2.8.2007. Learned counsel for the respondent is directed to place the entire information regarding the present status of this appeal before the AAIFR before this Court within a period of two weeks from today. List immediately thereafter.

August 13, 2007
(aks)

(Dev Darshan Sud)
Judge

Co.Pet.No.5 of 2007.

13.08.2007 Present: None for the petitioner.

Mr.Suneet Goel, Advocate, for the respondents.

Learned counsel appearing for the Company has drawn my attention to the order passed by the Appellate Authority for Industrial and Financial Reconstruction, staying the operation of the order for winding up passed by the BIFR. The matter was to be listed on 2.8.2007 before the AAIFR. Learned counsel for the respondent is directed to place the entire information on record regarding the present status of this appeal before the AAIFR within a period of two weeks from today. List immediately thereafter.

August 13, 2007
(aks)

(Dev Darshan Sud)
Judge

RFA No.27 of 2007.

13.08.2007 Present: Mr.Neeraj Gupta, Advocate, for the appellants.
Mr.Satyan Vaidya, Advocate, for respondent No.1.
Mr.Romesh Verma, Advocate, for respondents No.2(a), 2(b), 2(d) and 2(e).

CMP No.620 of 2007.

This application has been moved by S/Shri Rakesh Vaidya and Rajeev Vaidya with a prayer that they may be impleaded as party-respondents in the appeal as they represent the estate of Smt.Padmawati, which they allege has been inherited by them. This application is disposed of with the direction that the interse rights of the legal heirs will be determined in appropriate civil proceedings. This application is disposed of.

CMP No.621 of 2007.

No order. The amount will remain invested in fixed deposit. The application is disposed of.

**August 13, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

Civil Suit No.27 of 2007.

13.08.2007 Present: Mr.Neeraj Gupta, Advocate, for the plaintiff.

Learned counsel appearing for the plaintiff prays for and is granted four weeks time to take appropriate steps for the service of the defendants. It is clarified that in case no such steps are taken, the suit shall be dismissed for non prosecution without any reference to the Court.

**August 13, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

Civil Suit No.46 of 2007.

13.08.2007 Present: Mr.J.S. Bhogal, Senior Advocate with Mr.Suneet Goel,
Advocate, for the plaintiff.

Mr.Rajan Dewan, Additional Advocate General, for the
defendants.

OMP No.222 of 2007.

This application has been moved by the plaintiff under Section 80(2) of the Code of Civil Procedure with a prayer that the requirement of serving the notice under Section 80 of the Code of Civil Procedure be dispensed with as the suit is of an urgent nature. Notice of the application had been given to the defendants on 3rd July, 2007. Reply has been filed on 4th August, 2007.

It has been submitted that there is urgency in the suit as the competent Authority has already taken action for rescinding the contract under clause-2 of the agreement as far back as on 25th May, 2007.

I have heard learned counsel for the parties and have gone through the record.

I am satisfied urgency exists for the plaintiff to approach this Court for interim relief to protect his interest. In the circumstances, this application is allowed and the plaintiff is granted permission to institute the present suit. This application is disposed of.

OMP No.223 of 2007.

The plaintiff seeks an interim injunction to the effect that the work, which is the subject matter of the suit, may not be assigned to anybody else till the work executed by the plaintiff has been measured.

I have heard learned counsel for the parties.

Learned Additional Advocate General submits that the measurements were taken on 4th June, 2007. The parties are contesting the correctness of the

Civil Suit No.46 of 2007.

(2)

measurements which have been recorded by the defendants. It is directed that fresh measurements will be taken on the spot on **20th August, 2007** in the presence of the plaintiff. Such measurements will be recorded and in case of any difference, the parties will be at liberty to submit their respective objections which will be taken on the record of the case. This application is disposed of accordingly. Till **20th August, 2007** work will not be assigned to any other contractor, whereafter the defendants are free to have the work completed by any other person in accordance with law.

Dasti copy on usual terms.

August 13, 2007
(aks)

(Dev Darshan Sud)
Judge

RSA No.163 of 1995.

08.08.2007 Present: Mr.Ankush Sood, Advocate, for the appellant.

Mr.N.K. Thakur, Advocate, for respondent No.1.

Vide separate detailed judgment of even date the appeal is
allowed.

**August 8, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.345 of 2007.

08.08.2007 Present: None.

List after two weeks.

**August 8, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.343 of 2007.

08.08.2007 Present: Mr.Sanjeev Kuthiala, Advocate, for the appellant.

RSA No.343 of 2007.

Notice returnable within four weeks. Records of both the Courts below be called for, in the meantime.

CMP No.586 of 2007.

Notice in the above terms.

CMP No.587 of 2007.

Heard. Allowed.

Certified copy of the trial Court judgment be filed within a period of four weeks from today. The application is disposed of.

**August 8, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.676 of 2005.

08.08.2007 Present: Mr.Ajay Sharma, Advocate, for the appellants.

None for the respondents.

List after two weeks.

**August 8, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.39 of 2006.

08.08.2007 Present: Mr.Ajay Sharma, Advocate, for the appellants.

None for the respondents.

List alongwith ***RSA No.676 of 2005.***

August 8, 2007
(aks)

(Dev Darshan Sud)
Judge

CR No.117 of 2006.

08.08.2007 Present: Mr.Karan Singh Kanwar, Advocate, for the petitioner.
 Ms.Jyotsna Rewal Dua, Advocate, for the respondents.

List alongwith ***CR No.108 of 2006.***

August 8, 2007
(aks)

(Dev Darshan Sud)
Judge

CR No.108 of 2006.

08.08.2007 Present: Mr.Karan Singh Kanwar, Advocate, for the petitioner.
Ms.Jyotsna Rewal Dua, Advocate, for the respondents.

List after two weeks, as prayed for by the learned counsel
appearing for the petitioner.

August 8, 2007
(aks)

(Dev Darshan Sud)
Judge

RSA No.502 of 2006.

08.08.2007 Present: Mr.Amit Sinch Chandel, Advocate, for the appellant.
Mr.T.S. Chauhan, Advocate, for the respondent.

RSA No.502 of 2006.

Admit on the substantial question of law No.3 as
formulated at page No.5 of the paper book.

CMP No.909 of 2006.

Reply within three weeks.

**August 8, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CS No.12 of 2006.

08.08.2007	Present:	Mr.Ajay Kumar, Advocate, for the plaintiff.
		M/s.Sandeep Kaushik and V.C. Jain, Advocates, for
	defendants	No.1 and 2.
		Mr.Anil Kumar vice Mr.Pankaj Sharma, Advocate, for
	defendant	No.3.

Evidence of two witnesses of the plaintiff recorded. For remaining evidence of the plaintiff, list before the Registrar (Inspection), who will fix the date.

August 8, 2007
(aks)

(Dev Darshan Sud)
Judge

06.08.2007 Present: Ms.Devyani Sharma, Advocate, for the appellants.

Mr.R.K. Bawa, Senior Advocate with Mr.Inder Jeet Singh,
Advocate, for the respondents.

CMP(M) No.550 of 2007.

This application has been filed by the respondents-claimants with a prayer that the name of deceased respondent No.4, Smt.Shanti Devi, be deleted from the array of the respondents.

Heard learned counsel for the parties.

This application is allowed. It is directed that the name of the deceased respondent-claimant No.4, Smt.Shanti Devi, be deleted from the array of the respondents. Amended memo of parties has been filed. Be taken on the record of the case. The application is disposed of.

CMP No. 645 of 2007.

Heard learned counsel for the parties. The application is allowed and the name of appellant No.1 is ordered to be changed as prayed for. Amended memo has been filed. Be taken on the record. The application is disposed of.

CMP No. 646 of 2007.

This application has been filed by the appellants with the prayer that the appeal may be permitted to be withdrawn in view of out of court settlement arrived at between the parties. Photocopy of the agreement of out of court settlement has been filed with this application as Annexure A-2. The application is not opposed by the respondents. Learned counsel for the respondents submits that no reply is intended to be filed and the application be

allowed as prayed for. The application is accordingly allowed. Permission is granted to the appellants to withdraw the appeal. The application is disposed of.

RFA No.18of 2000

2

CMP No 647 of 2007.

This application has been filed with the prayer that the amount of income tax deposited with the Income Tax authorities and the balance amount be refunded in favour of the claimants. This application is allowed. It is directed that as agreed upon between the parties, the amount of compensation be released in favour of the claimants-respondents, except the minor respondents. Out of this amount a sum of Rs. 3,59,590/- is directed to be paid to the appellants in lieu of the income tax deposited by them and be remitted to their Bank account. The remaining amount be released in favour of the claimants, except the shares of minor claimants, in proportion to their shares along with interest on furnishing their respective bank account numbers. Learned counsel for the claimant submits that the particulars will be supplied within three weeks from today. The application is disposed of.

RFA No. 58 of 2000.

Dismissed as withdrawn. All interim orders shall stand vacated.

CMP No. 648 of 2007.

Allowed. Court fee in accordance with law is directed to be refunded to the appellants.

**August 6, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CS No.58 of 2006.

06.08.2007 Present: Mr.B.K. Malhotra, Advocate, for the plaintiff.

Mr.Janesh Gupta, Advocate, for the defendant.

OMP No.402 of 2006.

I have heard learned counsel for the parties.

It is submitted by the learned counsel for the defendant that no reply is intended to be filed to this application.

From the averments in the plaint as also in the application, I am satisfied that the plaintiff is entitled to the interim directions as prayed for. It is directed that during the pendency of the suit, the defendant will not transfer, encumber or change the nature of the suit property either personally or through her authorised agents, attorneys or any other persons. Liberty is reserved to the parties to approach this Court for modification of this order. This application is disposed of.

Civil Suit No.58 of 2006.

Translated copies of the documents have not been filed. It is prayed by the learned counsel appearing for the plaintiff that the documents which are in Hindi be got translated from the Official Translators of this Court at the expenses of the plaintiffs. Prayer allowed. Documents in Hindi are directed to be translated into English by the Official Translators of this Court at the expenses of the plaintiff.

**August 6, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CWP No.161 of 2001.

06.08.2007 Present: Mr.Sanjeev Kumar vice counsel for the petitioner.

Mr.K.B. Khajuria, Central Government Counsel, for the respondents.

CMP No.1849 of 2007.

Heard.

Allowed. Necessary corrections to the dates, as mentioned in the application, be carried out in the judgment by the Additional Registrar (Judicial). This application stands disposed of.

**August 6, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.192 of 2004.

06.08.2007 Present: Mr.Naveen Bhardwaj, Advocate, for the appellant.
Mr.Vivek Thakur, Advocate, for respondents No.1 to 4.
Mr.Vikas Rajput vice Mr.N.S. Chandel, Advocate, for
respondent No.5.
Ms.Salochana Kaundal vice counsel for respondent No.6.
Mr.Mohinder Thakur, Advocate, for respondent No.7.

CMP No.534 of 2007.

Heard learned counsel for the parties.

This application is allowed. It is directed that 50% of the
awarded amount be released in favour of the claimants-respondents in
proportion to their respective shares by remitting it to their bank accounts as
mentioned in para-6 of the application. This application stands disposed of.

**August 6, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RFA No.252 of 2005.

06.08.2007 Present: Mr.K.B. Khajuria, Advocate, for the appellant.
Mr.P.C. Sharma, Advocate, for respondent No.1.
Mr.Rajan Dewan, Additional Advocate General, for
respondents No.2 and 3.

CMP No.512 of 2006.

Heard learned counsel for the parties.

It is directed that 50% of the awarded amount be released in favour of the sole claimant-respondent by remitting it to his bank account, particular whereof has been in paragraph-4 of the application. This application stands disposed of.

**August 6, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.487 of 2005.

06.08.2007 Present: Mr.Ajay Kumar, Advocate, for the appellants.

Mr.Janesh Gupta, Advocate, for respondents No.1 and 2.

At the request of learned counsel appearing for respondents
No.1 and 2 list after two weeks.

**August 6, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CS No.10 of 2006.

06.08.2007 Present: Mr.C.N. Singh, Advocate, for the plaintiff.

Mr.Rajan Dewan, Additional Advocate General, for the
Collector.

List after thye receipt of the report from the Ministry of Law
and Justice.

August 6, 2007
(aks)

(Dev Darshan Sud)
Judge

Coy.Pet.No.15 of 2006.

06.08.2007 Present: Mr.Suneet Goel, Advocate, for the petitioner.

Notices to the respondents to show cause as to why an order of winding up of the Company be not issued. The notices are made returnable within three weeks.

**August 6, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.110 of 2007.

03.08.2007 Present: None for the appellant.

Mr.V.S. Chauhan, Advocate, for claimant-respondent No.1.

Mr.B.C. Verma, Advocate, for respondent No.2.

CMP No.665 of 2007.

Heard learned counsel for the claimant-respondent. It is directed that an amount of Rs.two lacs, out of the awarded amount which has been deposited in this Court, be released in favour of the claimant and be remitted to his bank account, particulars whereof will be supplied by the learned counsel appearing for the claimant. This application is disposed of.

**August 3, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CS No.21 of 2007.

03.08.2007 Present: Mr.K.D. Sood, Advocate, for the plaintiff.

Mr.Romesh Verma, Advocate, for the defendants.

At the request of learned counsel appearing for the
defendants list the matter after two weeks alongwith *CS Nos.23 and 24 of
2007.*

**August 3, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.354 of 2006.

03.08.2007 Present: Mr.Rajiv Jeevan vice Mr.Sandeep Sharma, Advocate, for the appellant.

Mr.G.R. Rathore, Advcoate, for respondents No.1 to 6.

Learned counsel for the appellant submits that the process fee for service of respondent No.7 has been filed. Let the notices be issued to this respondent.

CMP No.1205 of 2006.

Heard learned counsel for the parties.

The awarded amount has been deposited. The order dated 22.11.2006 is confirmed. This application is disposed of.

**August 3, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.57 of 2006.

03.08.2007 Present: Mr.Bhuvnesh Sharma, Advocate, for the appellant.

Mr.Ashwani K.Sharma, Advocate, for respondents No.1 and
2.

Mr.Rakesh Chandel, Advocate, for respondents No.3 to 6.

List before another Bench.

August 3, 2007
(aks)

(Dev Darshan Sud)
Judge

RSA No.339 of 2005.

03.08.2007 Present: Mr.Dharamvir Shrama, Advocate, for appellant No.2 and the
LRs of appellant No.1 .

Mr.Bhupender Gupta, Senior Advocate with Ms.Charu
Gupta, Advocate, for the applicant-respondent.

CMP No.366 of 2007.

This application has been moved by Shri Parma Nand son of Shri Inder Ram, with a prayer that the respondent Khillo Devi had died on 20th February, 1997 and that she had executed a Registered Will in his favour. Intimation of this application has already been given to the learned counsel appearing for the appellants.

Learned counsel for the appellants submits that for the limited purposes of representation of the estate, Shri Parma Nand may be brought on record as the legal representative of deceased Smt.Khillo Devi. It is ordered accordingly.

It is clarified that this order shall not be construed as an expression of adjudicating the validity, genuineness of the Will which has been executed or determination of the rights of the parties. The application is disposed of.

CMP(M) No.20 of 2007.

This application has been filed by the legal representatives of deceased appellant No.1 Shri Salig Ram with a prayer that they may be brought on the record as appellants and that the delay in filing the application may be condoned.

I have heard learned counsel for the parties and have gone through the application.

I find that the delay which has been occasioned is bonafide and is not intentional. This application is, accordingly, allowed. It is directed that the legal representatives, as named in paragraph-5 of the application, be brought on record of the case in place of deceased appellant Shri Salig Ram. This application is disposed of. Amended memo of parties be filed within two weeks.

CMP No.25 of 2007.

The interim Order dated 12.4.2007 is confirmed till the pendency of the appeal. This application is disposed of.

August 3, 2007
(aks)

(Dev Darshan Sud)
Judge

RSA No.123 of 2005.

03.08.2007 Present: Mr.R.Kant Sharma, Advocate, for the appellants.

At the request of learned counsel appearing for the appellants
list after three months.

August 3, 2007
(aks)

(Dev Darshan Sud)
Judge

03.08.2007 Present: Mr.Ramakant Sharma, Advocate, for the appellants.
Mr.R.K. Bawa, Senior Advocate with Mr.Inderjit Singh Narwal, Advocate, for the respondent.

CMP No. 630 of 2007.

Heard learned counsel for the parties. The application is allowed and the name of appellant No.1 is ordered to be changed as prayed for. Amended memo has been filed. Be taken on the record. The application is disposed of.

CMP No. 631 of 2007.

This application has been filed by the appellants with the prayer that the appeal may be permitted to be withdrawn in view of out of court settlement arrived at between the parties. Photocopy of the agreement of out of court settlement has been filed with this application as Annexure A-2. The application is not opposed by the respondents. Learned counsel for the respondents submits that no reply is intended to be filed and the application be allowed as prayed for. The application is accordingly allowed. Permission is granted to the appellants to withdraw the appeal. The application is disposed of.

CMP No 632 of 2007.

This application has been filed with the prayer that the amount of income tax deposited with the Income Tax authorities and the balance amount be refunded in favour of the claimant. This application is allowed. It is directed that as agreed upon between the parties, the amount of compensation be released in favour of the claimant-respondent. Out of this amount a sum of Rs. 2,06,418/- is directed to be paid to the appellants in lieu of the income tax deposited by them and be remitted to their Bank accounts. The amount be released in

favour of the claimants in proportion to their shares along with interest on furnishing their respective bank account numbers. Learned counsel for the claimant submits that

RFA No.21 of 2000

2

particulars will be supplied within three weeks from today. The application is disposed of.

RFA No. 21 of 2000.

Dismissed as withdrawn. All interim orders shall stand vacated.

CMP No. 633 of 2007.

Allowed. Court fee in accordance with law is directed to be refunded to the appellants.

**August 3, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

03.08.2007 Present: Mr.Ramakant Sharma, Advocate, for the appellants.
Mr.R.K. Bawa, Senior Advocate with Mr.Inderjit Singh Narwal, Advocate, for the respondent.

CMP No. 626 of 2007.

Heard learned counsel for the parties. The application is allowed and the name of appellant No.1 is ordered to be changed as prayed for. Amended memo has been filed. Be taken on the record. The application is disposed of.

CMP No. 627 of 2007.

This application has been filed by the appellants with the prayer that the appeal may be permitted to be withdrawn in view of out of court settlement arrived at between the parties. Photocopy of the agreement of out of court settlement has been filed with this application as Annexure A-2. The application is not opposed by the respondents. Learned counsel for the respondents submits that no reply is intended to be filed and the application be allowed as prayed for. The application is accordingly allowed. Permission is granted to the appellants to withdraw the appeal. The application is disposed of.

CMP No 628 of 2007.

This application has been filed with the prayer that the amount of income tax deposited with the Income Tax authorities and the balance amount be refunded in favour of the claimant. This application is allowed. It is directed that as agreed upon between the parties, the amount of compensation be released in favour of the claimant-respondent. Out of this amount a sum of Rs. 31,861/- is directed to be paid to the appellants in lieu of the income tax deposited by them and be remitted to their Bank accounts. The amount be released in

favour of the claimants in proportion to their shares along with interest on furnishing their respective bank account numbers. Learned counsel for the claimant submits that

RFA No.20 of 2000

2

particulars will be supplied within three weeks from today. The application is disposed of.

RFA No. 20 of 2000.

Dismissed as withdrawn. All interim orders shall stand vacated.

CMP No. 629 of 2007.

Allowed. Court fee in accordance with law is directed to be refunded to the appellants.

**August 3, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

03.08.2007 Present: Mr.Ramakant Sharma, Advocate, for the appellants.
Mr.R.K. Bawa, Senior Advocate with Mr.Inderjit Singh Narwal, Advocate, for the respondent.

CMP No. 622 of 2007.

Heard learned counsel for the parties. The application is allowed and the name of appellant No.1 is ordered to be changed as prayed for. Amended memo has been filed. Be taken on the record. The application is disposed of.

CMP No. 623 of 2007.

This application has been filed by the appellants with the prayer that the appeal may be permitted to be withdrawn in view of out of court settlement arrived at between the parties. Photocopy of the agreement of out of court settlement has been filed with this application as Annexure A-2. The application is not opposed by the respondents. Learned counsel for the respondents submits that no reply is intended to be filed and the application be allowed as prayed for. The application is accordingly allowed. Permission is granted to the appellants to withdraw the appeal. The application is disposed of.

CMP No 624 of 2007.

This application has been filed with the prayer that the amount of income tax deposited with the Income Tax authorities and the balance amount be refunded in favour of the claimant. This application is allowed. It is directed that as agreed upon between the parties, the amount of compensation be released in favour of the claimant-respondent. Out of this amount a sum of Rs. 1,59,247/- is directed to be paid to the appellants in lieu of the income tax deposited by them and be remitted to their Bank accounts. The amount be released in

favour of the claimants in proportion to their shares along with interest on furnishing their respective bank account numbers. Learned counsel for the claimant submits that

RFA No.19 of 2000

2

particulars will be supplied within three weeks from today. The application is disposed of.

RFA No. 19 of 2000.

Dismissed as withdrawn. All interim orders shall stand vacated.

CMP No. 625 of 2007.

Allowed. Court fee in accordance with law is directed to be refunded to the appellants.

**August 3, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CS No.87 of 1996

03.08.2007 Present: Mr.Bhupender Gupta, Senior Advocate with Ms.Charu Gupta, Advocate, for the plaintiffs.

Mr.B.K. Sood, Advocate, for defendants No.1 to 4.

Mr.Suneet Goel, Advocate, for defendants No.5 and 7.

List before another Bench.

**August 3, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CMP(M) No.329 of 2006.

02.08.2007 Present: Mr.Pawan Kumar Gautam vice Mr.Lalit Sharma, Advocate,
for the applicants-appellants.

Mr.Naresh Kumar Thakur, Advocate, for the non-applicants-
respondents No.1 and 2.

At the request of learned counsel appearing for the applicants list
the matter after two weeks.

August 2, 2007
(aks)

(Dev Darshan Sud)
Judge

CS No.19 of 2005.

02.08.2007 Present: Mr.Suneet Goel, Advocate, for the plaintiffs.
Mr.Vinod Thakur, Advocate, for defendant No.3.
Ms.Devyani Sharma, Advocate, for defendants No.4 and 9.

A reminder issued to the Himachal Times, in which notices to defendants No.6 and 7 were ordered to be published, has not been received back in the Registry. Let the Registrar (Inspection) take up the matter with the Editor, The Himachal Times, immediately. List the matter after two weeks.

**August 2, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.159 of 2004.

02.08.2007 Present: Mr.Naveen Bhardwaj, Advocate, for the appellants.
 Mr.Neeraj Gupta, Advocate, for respondent No.1.

Steps for service of respondents No.5 and 17 be taken within a period of two weeks from today. It is clarified that in case no such steps are taken, the appeal shall stand dismissed for non-prosecution without reference to the Court. Summons be given *dasti* to the learned counsel appearing for the appellants for service of the respondents.

**August 2, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RFA No.136 of 2004.

02.08.2007 Present: Mr.Rajan Dewan, Additional Advocate General, for the appellants.

Mr.Sunil Goel, Advocate, for the respondents.

CMP No.385 of 2007.

Heard learned counsel for the parties.

It is directed that 50% of the awarded amount be released in favour of the respondents-claimants in proportion to their shares as determined by the Reference Court. The amount will be remitted to their bank accounts, particulars whereof have been given with the application. This application stands disposed of.

**August 2, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.313 of 2001.

02.08.2007 Present: Mr.Naveen Kumar Bhardwaj, Advocate, for the applicants-
appellants.

for Ms.Madhu Sharma vice Mr.Ashwani K.Sharma, Advocate,
the respondents.

CMP No.658 of 2007.

Notice of the application has been accepted by the respondents.

Reply be filed within two weeks. List the matter immediately thereafter.

August 2, 2007
(aks)

(Dev Darshan Sud)
Judge

FAO No.69 of 2001.

02.08.2007 Present: Mr.Rakesh Kanwar, Advocate, for the applicant.

CMP No.656 of 2007.

This application has been filed by the claimant with a prayer that the amount of Rs.59,298/- deposited in the Registry of this Court be released in his favour.

Heard learned counsel for the claimant.

It is directed that the amount of Rs.59,298/-, deposited in the Registry of this Court, be released in favour of the claimant alongwith interest. Learned counsel for the claimant submits that the bank account number of the claimant will be supplied within a period of one week from today. The amount be remitted to the bank account of the claimant after furnishing the particulars. This application is disposed of.

**August 2, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

02.08.2007 Present: Ms.Devyani Sharma, Advocate, for the appellants.
Mr.R.K. Bawa, Senior Advocate with Mr.Inder Jeet Singh,
Advocate, for the respondent.

CMP(M) No.538 of 2007.

This application has been filed by the appellants with a prayer that the legal representatives of the deceased respondent Bhagat Ram be brought on the record. They are represented by Shri R.K. Bawa, learned Senior Counsel.

Heard learned counsel for the parties.

This application is allowed. It is directed that the legal representatives of the deceased respondent-claimant Bhagat Ram, whose names have been mentioned in paragraph-1 of the application, be brought on the record of the case. Amended memo of parties has been filed. Be taken on the record of the case. The application is disposed of.

CMP No. 616 of 2007.

Heard learned counsel for the parties. The application is allowed and the name of appellant No.1 is ordered to be changed as prayed for. Amended memo has been filed. Be taken on the record. The application is disposed of.

CMP No. 617 of 2007.

This application has been filed by the appellants with the prayer that the appeal may be permitted to be withdrawn in view of out of court settlement arrived at between the parties. Photocopy of the agreement of out of court settlement has been filed with this application as Annexure A-2. The application is not opposed by the respondents. Learned counsel for the respondents submits that no reply is intended to be filed and the application be

allowed as prayed for. The application is accordingly allowed. Permission is granted to the appellants to withdraw the appeal. The application is disposed of.

RFA No.18of 2000

2

CMP No 618 of 2007.

This application has been filed with the prayer that the amount of income tax deposited with the Income Tax authorities and the balance amount be refunded in favour of the claimant. This application is allowed. It is directed that as agreed upon between the parties, the amount of compensation be released in favour of the claimant-respondent. Out of this amount a sum of Rs. 1,12,934/- is directed to be paid to the appellants in lieu of the income tax deposited by them and be remitted to their Bank accounts. The amount be released in favour of the claimants in proportion to their shares along with interest on furnishing their respective bank account numbers. Learned counsel for the claimant submits that particulars will be supplied within three weeks from today. The application is disposed of.

RFA No. 18 of 2000.

Dismissed as withdrawn. All interim orders shall stand vacated.

CMP No. 619 of 2007.

Allowed. Court fee in accordance with law is directed to be refunded to the appellants.

**August 2, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

02.08.2007 Present: Ms.Devyani Sharma, Advocate, for the appellants.
Mr.R.K. Bawa, Senior Advocate with Mr.Inder Jeet Singh,
Advocate, for the respondent.

CMP No. 612 of 2007.

Heard learned counsel for the parties. The application is allowed and the name of appellant No.1 is ordered to be changed as prayed for. Amended memo has been filed. Be taken on the record. The application is disposed of.

CMP No. 613 of 2007.

This application has been filed by the appellants with the prayer that the appeal may be permitted to be withdrawn in view of out of court settlement arrived at between the parties. Photocopy of the agreement of out of court settlement has been filed with this application as Annexure A-2. The application is not opposed by the respondents. Learned counsel for the respondents submits that no reply is intended to be filed and the application be allowed as prayed for. The application is accordingly allowed. Permission is granted to the appellants to withdraw the appeal. The application is disposed of.

CMP No 614 of 2007.

This application has been filed with the prayer that the amount of income tax deposited with the Income Tax authorities and the balance amount be refunded in favour of the claimant. This application is allowed. It is directed that as agreed upon between the parties, the amount of compensation be released in favour of the claimant-respondent. Out of this amount a sum of Rs. 4,67,679/- is directed to be paid to the appellants in lieu of the income tax deposited by them and be remitted to their Bank accounts. The amount be released in

favour of the claimants in proportion to their shares along with interest on furnishing their respective bank account numbers. Learned counsel for the claimant submits that

RFA No.17 of 2000

2

particulars will be supplied within three weeks from today. The application is disposed of.

RFA No. 17 of 2000.

Dismissed as withdrawn. All interim orders shall stand vacated.

CMP No. 615 of 2007.

Allowed. Court fee in accordance with law is directed to be refunded to the appellants.

**August 2, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.52 of 1995.

02.08.2007 Present: Mr.Rajan Dewan, Additional Advocate General, for the appellant.

Mr.Karan Singh Kanwar, Advocate, for respondent No.2.

Mr.Dinesh Thakur vice counsel for respondents No.5 & 7.

At the request of learned Additional Advocate General list the matter after four weeks. It is stated by him that he would be taking necessary steps for bringing on record the legal representatives of the deceased respondents after verifying the facts.

August 2, 2007
(aks)

(Dev Darshan Sud)
Judge

OMP No.316 of 2003 in CS No.86 of 1990

02.08.2007 Present: Mr.Vikas Rajput, Advocate, for the plaintiff-applicant.

Mr.Anand Sharma, Advocate, for defendant-respondent
No.3.

Mr.Pawan Gautam, Advocate, for defendant-respondent
No.7.

At the request of learned counsel appearing for the parties,
who submit that there are chances of the matter being amicably settled, list
the matter after three weeks.

August 2, 2007
(aks)

(Dev Darshan Sud)
Judge

RSA No.14 of 2006.

02.08.2007 Present: Mr.Naveen Kumar Bhardwaj, Advocate, for the appellant.

Mr.Dinesh Thakur vice counsel for respondents No.1, 2, 6, 7
and 10.

Learned counsel appearing for the appellant submits that
process fee and proclamation charges for service of respondents No.3 to 5
and process fee and Registered AD covers for service of the legal
representatives of respondent No.8 will be filed within a week. Notices be
issued, returnable within four weeks, on the filing of the necessary charges.

August 2, 2007
(aks)

(Dev Darshan Sud)
Judge

RFA No.167 of 2007.

01.08.2007 Present: Mr.Rajnish Maniktala, Advocate, for the appellant.

and Mr.Sanjeev Kuthiala, Advocate, for respondents No. 1 to 5
8 to 11.

Mr.Rajan Dewan, Additional Advocate General, for
respondents No. 12 and 13.

CMP(M) No.450 of 2007.

This application has been filed by the appellant with a prayer that the Reference Petition be disposed of as having been abated as respondent No.7, Shri Tikam Ram has died on 18.6.2002, which is prior to the filing of the Reference Petition. In the alternative, a prayer has been made that the legal representatives of deceased respondent No.7 be brought on the record. The prayer for dismissing the Reference Petition cannot be allowed at this stage and will be considered at the time of hearing of the appeal. As Shri Tikam Ram, respondent No.7 in this appeal has died even before the Reference was made, it is directed that his name be deleted from the array of respondents. This order is passed subject to all just exceptions.

The application is disposed of.

CMP(M) No.451 of 2007.

No order, in view of the order passed in CMP (M) No.450 of 2007.

CMP No.388 of 2007.

The application, which is filed on an affidavit states that respondent No.6 Smt.Thakari is alive and that the report of the Registry saying that she is dead is not correct. This fact is taken on the record. This application is accordingly allowed.

CMP(M) No.284 of 2006.

This application has been moved by the appellant with a prayer that the delay in filing the appeal may be condoned in the interest of justice.

I have heard learned counsel for the parties. I find that the delay which has been occasioned is bonafide and is of not such a nature which would dis-entitle the appellant from claiming the benefit of Section 5 of the Limitation Act. This application is allowed. The delay in filing the appeal is condoned in the interest of justice. The application is disposed of.

RFA No.167 of 2007.

Admit.

Notices be issued to the unrepresented respondents.

CMP No.391 of 2007.

Heard learned counsel for the parties.

It is directed that subject to the appellant's depositing the entire awarded amount alongwith costs and interest in this Court within a period of eight weeks from today, the execution of the award shall remain stayed. This application is disposed of.

**August 1, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.133 of 2000.

01.08.2007 Present: Ms.Madhu Sharma vice Mr.Ashwani K.Sharma, Advocate,
for the appellant-non-applicant.

Mr.P.S. Chandel, Advocate, for applicant-respondent No.5.

M/s.Bimal Gupta and B.K. Gupta, Advocates, for the
remaining respondents.

CMP No.364 of 2007.

This application has been filed by the applicant-respondent No.5, Smt.Bhagwati Devi, with a prayer that the awarded amount be released in her favour as the appeal stands decided on 13.10.2004. The matter was listed before the Registrar (Inspection) on 13.7.2007, who has determined the amount payable to the applicant. This calculation is not disputed by any of the parties to this appeal. It is directed that the amount as determined by the Registrar (Inspection) be remitted to the bank account of the applicant, particulars where of have been given in the application. The application is disposed of.

**August 1, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.14 of 1999.

01.08.2007 Present: Ms.Madhu Sharma vice Mr.Ashwani K.Sharma, Advocate,
for the appellant-non-applicant.

Mr.T.S. Chauhan, Advocate, for applicant-respondent No.1.

CMP No.570 of 2007.

This application has been moved by the respondent-applicant No.1, Smt.Sundri Devi, with a prayer that the awarded amount be released in her favour. The appeal has been decided on 30th June, 2004, wherein the applicant has been granted the entire compensation.

I have heard learned counsel for the parties. No reply is intended to be filed in this application.

It is directed that the amount, deposited in the Registry of this Court alongwith interest, be remitted to the bank account of Smt.Sundri Devi, particulars whereof have been given in the application. This application is disposed of.

August 1, 2007
(aks)

(Dev Darshan Sud)
Judge

01.08.2007 Present: Mr.K.D. Sood, Advocate, for the appellant.
Mr.Romesh Verma, Advocate, for the respondent.

CMP(M) No.469 of 2007.

This application has been filed by the appellant under Order 22 Rule 3, 9 and 11 read with Section 151 of the Code of Civil Procedure and Section 5 of the Limitation Act with a prayer that the legal representatives of the sole appellant Smt.Rani Dawar, be brought on the record of the case.

I have heard learned counsel for the parties and have gone through the record.

I am satisfied that the delay which has been caused is bonafide and is not intentional. In the circumstances, it is directed that the applicants be brought on the record as the legal representatives of the sole deceased appellant. Delay in filing the application is condoned in the interest of justice. Amended memo of parties be filed within a period of two weeks from today. The application is disposed of.

RFA No.244 of 1998 and Cross Objection No.199 of 1999.

Learned counsel appearing for the respondent submits that the respondent has filed Cross Objections under Order 41 Rule 22 of the Code of Civil Procedure. He submits that since the legal representatives of the sole deceased appellant Smt.Rani Dawar have been directed to be brought on record and the delay has been condoned, for the same reasons the legal representatives of the deceased appellant be brought on record in the Cross Objections. This prayer has not been opposed by the learned counsel appearing for the appellant. It is directed that the legal representatives of the sole appellant Smt.Rani Dawar be brought on record in the Cross Objections.

**August 1, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.2 of 1997.

01.08.2007 Present: Mr.Shashi Shirshoo, Advocate, for claimants-applicants.

CMP No.636 of 2007.

This appeal has been decided on 21.4.2005. This application has been made on behalf of claimant No.1, Smt.Hira Devi w/o late Shri Yudhvir Goswami, with a prayer that the amount awarded in her favour be released and remitted to her bank account.

I have heard learned counsel for the parties. No reply is intended to be filed in this application.

It is directed that the amount, deposited in the Registry of this Court alongwith interest in the name of Smt.Hira Devi, be remitted to her bank account, particulars whereof have been given in paragraph-5 of the application. This application is disposed of.

**August 1, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.274 of 1995.

01.08.2007 Present: Mr.Lalit Sharma, Advocate, for the appellant-applicant.

Mr.Sanjeev Kumar, Advocate, for the non-applicants-respondents.

CMP No.567 of 2007.

This application has been moved by the appellant with a prayer that the deposited amount be refunded to it in accordance with the judgment passed by this Court in appeal which has since been decided on 9.9.2004.

I have heard learned counsel for the parties. This application is not opposed by the respondents. It is directed that the amount lying deposited in the Registry of this Court alongwith interest be remitted to the bank account of the appellant, particulars whereof have been given in para-2 of the application. This application stands disposed of.

**August 1, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.275 of 1995.

01.08.2007 Present: Mr.Lalit Sharma, Advocate, for the appellant-applicant.

 Mr.Sanjeev Kumar, Advocate, for the non-applicants-respondents.

CMP No.568 of 2007.

This application has been moved by the appellant with a prayer that the deposited amount be refunded to it in accordance with the judgment passed by this Court in appeal which has since been decided on 31.3.2005.

I have heard learned counsel for the parties. This application is not opposed by the respondents. It is directed that the amount lying deposited in the Registry of this Court alongwith interest be remitted to the bank account of the appellant, particulars whereof have been given in para-2 of the application. This application stands disposed of.

**August 1, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CR No.154 of 2004.

01.08.2007 Present: Mr.R.L. Sood, Senior Advocate with Mr.Sanjeev Kumar,
Advocate, for the petitioner.

Mr.Naveen K.Bhardwaj vice Mr.Ashutosh Burathoki,
Advocate, for the respondents.

At the request of learned counsel appearing for the
respondents list the matter next week.

August 1, 2007
(aks)

(Dev Darshan Sud)
Judge

CS No.24 of 2005.

01.08.2007 Present: Mr.J.R. Poswal, Advocate, for the plaintiff.
Mr.Raman Sethi, Advocate, for respondents No.1 to 3.
Mr.Sandeep Kaushik, Advocate, for respondent No.4.

OMP No.99 of 2007.

Learned counsel appearing for the plaintiffs prays that the documents which are in vernacular be got translated from the Official Translators of this Court at the expenses of the plaintiffs. Prayer made by the learned counsel is allowed. It is directed that the documents which are in vernacular be translated by the Official Translators at the costs of the plaintiffs.

At the request of learned counsel appearing for the respondents, list the matter next week.

**August 1, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CS No.45 of 2005.

01.08.2007 Present: Ms.Yogita Dutta, Advocate, for the plaintiff.
Mr.K.B. Khajuria, Advocate, for respondents No.1 and 2.
Mr.Sandeep Kaushik, Advocate, for respondent No.3.

OMPs No.243 and 244 of 2007.

Reply(s) be filed within three weeks.

The application has been filed for recalling of the order passed by Hon'ble Mr.Justice Surjit Singh. List this matter before the appropriate Bench.

**August 1, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

01.08.2007 Present: Mr.Rajan Dewan, Additional Advocate General, for the
appellant.

Ms.Jyotsna Rewal Dua, Advocate, for the respondents.

At the request of learned counsel appearing for the parties list
on *3rd August, 2007*.

**August 1, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.200 of 1996.

01.08.2007 Present: Mr.B.C. Negi, Advocate, for the appellants.

Mr.Ashwani K.Sharma, Advocate, for respondent No.2.

At the request of learned counsel appearing for the appellants
list after three weeks.

August 1, 2007
(aks)

(Dev Darshan Sud)
Judge

CR No.121 of 2002.

01.08.2007 Present: Mr.Suneet Goel, Advocate, for the petitioners.
Mr.Neeraj Gupta, Advocate, for the respondent.

At the request of learned counsel appearing for the petitioners
list after four weeks.

**August 1, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CR No.433 of 2002.

01.08.2007 Present: Mr.Bimal Gupta, Advocate, for the petitioner.
Mr.Suneet Goel, Advocate, for the respondent.

Heard in part.

List on *3rd August, 2007* for further hearing.

**August 1, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.160 of 1995.

01.08.2007 Present: Mr.R.Kant Sharma, Advocate, for the appellants.
Mr.Bimal Gupta, Advocate, for the respondent.

RSA No.160 of 1995.

Heard in part.

List next week for further hearing.

CMP No.183 of 2007.

This application was taken up for hearing alongwith the appeal. The appellants have moved this Court under Order 41 Rule 27 of the Code of Civil Procedure for permission to lead additional evidence. The order dated 30.10.2006 passed by the Financial Commissioner (Appeals) in Revision Petition No.367/95 is sought to be placed on the record of the case.

I have heard learned counsel for the parties.

This application is allowed. The certified copy of the order, as filed, is taken on the record of the case. Learned counsel appearing for the respondent submits that this order of the Financial Commissioner is under challenge in ***CWP No.216 of 2007***. This fact will also be considered alongwith the order passed by the Financial Commissioner.

This application is disposed of.

August 1, 2007
(aks)

(Dev Darshan Sud)
Judge

RSA No.60 of 2002.

01.08.2007 Present: Appellant Atma Ram with Mr.B.N. Misra, Advocate.
Respondent Ghanthu Ram with Mr.Bimal Gupta, Advocate.

CMP No.569 of 2007 and RSA No.60 of 2002.

This application has been moved jointly by the parties under Order 23 Rule 3 read with Section 151 of the Code of Civil Procedure with a prayer that the appeal has been compromised in the terms and conditions as contained in the application. This application is marked as Ex.C-1.

Both the parties are present in Court and have stated on oath that they are bound by the terms and conditions as contained in Ex.C-1. They accept the terms of the compromise and agree to be bound by it unequivocally. They state that the compromise has been entered into by them of their own free will and volition.

This application is accordingly allowed. The appeal is disposed of as having been compromised. Let a decree be drawn up in accordance with the terms and conditions contained in Ex.C-1.

August 1, 2007
(aks)

(Dev Darshan Sud)
Judge

RSA No.69 of 2001.

01.08.2007 Present: Appellant Atma Ram with Mr.B.N. Misra, Advocate.
Respondent Ghanthu Ram with Mr.Bimal Gupta, Advocate.

CMP No.568 of 2007 and RSA No.69 of 2001.

This application has been moved jointly by the parties under Order 23 Rule 3 read with Section 151 of the Code of Civil Procedure with a prayer that the appeal has been compromised in the terms and conditions as contained in the application. This application is marked as Ex.C-1.

Both the parties are present in Court and have stated on oath that they are bound by the terms and conditions as contained in Ex.C-1. They accept the terms of the compromise and agree to be bound by it unequivocally. They state that the compromise has been entered into by them of their own free will and volition.

This application is accordingly allowed. The appeal is disposed of as having been compromised. Let a decree be drawn up in accordance with the terms and conditions contained in Ex.C-1.

August 1, 2007
(aks)

(Dev Darshan Sud)
Judge

CWP No.20 of 2002.

31.07.2007 Present: None for the petitioner.

Mr.Rajan Dewan, Additional Advocate General, for
respondents No.1 and 2.

An actual date notice of intimation has been sent to the
petitioner on 21.6.2007 stating that the case would be taken up by this Court
on 17.7.2007. Nobody appears on his behalf. This writ petition is dismissed
for non-prosecution.

July 31, 2007
(aks)

(Dev Darshan Sud)
Judge

RSA No.327 of 2007.

31.07.2007 Present: Mr.Ajay Kumar, Advocate, for the appellant.

RSA No.327 of 2007.

Admit on the substantial questions of law No.1, 2 and 3 as
formulated at page No.5 of the paper book.

List alongwith ***RSA No.506 of 2004.***

July 31, 2007
(aks)

(Dev Darshan Sud)
Judge

FAO No.228 of 2005.

23.07.2007 Present: Mr.Bhupender Gupta, Senior Advocate with Mr.Janesh Gupta, Advocate, for the appellants.

Mr.K.D. Sood, Advocate, for respondents No.1 to 4.

Mr.B.C. Negi, Advocate, for respondents No.35 & 36.

FAO No.228 of 2005.

Vide separate detailed judgment of even date the appeal is disposed of.

CMP No.514 of 2005.

In view of the disposal of the appeal, this application is also disposed of. The interim stay granted on 22.6.2005 shall stand vacated. The application is disposed of.

**July 23, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.326 of 2006.

30.07.2007 Present: Mr.D.Ghosh vice counsel for the appellants

Mr.H.C. Sharma, Advocate, for respondent No.1.

Mr.Bhupender Pathania vice Mr.Deepak Bhasin, Advocate,
for respondent No.3.

List after two weeks, as prayed for by the learned counsel appearing for the appellants.

July 30, 2007
(aks)

(Dev Darshan Sud)
Judge

CMP(M) No.154 of 2007.

30.07.2007 Present: Mr.G.R. Palsra, Advocate, for the appellants.
Ms.Sunita Sharma, Advocate, for respondent No.2.
Respondent No.1 is served. Nobody appears on his behalf.
He is proceeded ex-parte.

CMP(M) No.154 of 2007.

By this application the appellants have prayed that the delay in filing the appeal be condoned in the interest of justice.

I have heard learned counsel for the parties and have gone through the record.

I am satisfied that the delay which has been occasioned in filing the appeal is bonafide and is not deliberate. There is nothing on the record to show that the appellants are not entitled to the benefit of Section 5 of the Limitation Act. Under the circumstances, this application is allowed and the delay in filing the appeal is condoned in the interest of justice. The application is disposed of.

FAO No. _____ of 2007.

Be registered.

Admit.

**July 30, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

CR No.13 of 2007.

30.07.2007 Present: Mr.Amit Sharma vice Mr.Sandeep Kaushik, Advocate, for the petitioner.

Mr.Karan Singh Kanwar, Advocate, for respondents No.1 to 9.

Correct address of respondent No.10 be filed within a period of two weeks from today. List the matter after the service is complete.

**July 30, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.87 of 2007

30.07.2007 Present: Mr.Ajay Chandel, Advocate, for the appellant.
Mr.M.L. Sharma vice counsel for the respondent.

CMP No.642 of 2007.

Learned counsel appearing for the respondent prays for and is
granted ten days time to file the reply to this application. List thereafter.

**July 30, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

FAO No.231 of 2007

30.07.2007 Present: Mr.B.N. Gupta vice Mr.K.D. Sood, Advocate, for the
appellant.

CMP(M) No.431 of 2007.

Notice returnable within four weeks.

**July 30, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.510 of 2006.

30.07.2007 Present: Mr.R.K. Bawa, Senior Advocate with Mr.Inderjit Singh Narwal, Advocate, for the appellant.

Respondent with Mr.Bhupender Singh Kanwar, Advocate.

List alongwith ***CR No.89 of 2007.***

July 30, 2007
(aks)

(Dev Darshan Sud)
Judge

CR No.89 of 2007.

30.07.2007 Present: Mr.R.K. Bawa, Senior Advocate with Mr.Inderjit Singh Narwal, Advocate, for the appellant.

Respondent with Mr.Bhupender Singh Kanwar, Advocate.

CR No.89 of 2007 and RSA No.510 of 2006.

Parties have submitted that it was possible to compromise the matter. The appellant is not present in the Court today. The respondent is present with his learned counsel. At the request of learned counsel appearing for the appellant, list the matter on *6th August, 2007*. The appellant is directed to pay Rs.3000/- as costs to the respondent. It is clarified that in case the cost is not paid, the appeal and revision shall stand dismissed.

**July 30, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RFA No.180 of 2007.

30.07.2007 Present: Mr.Aman Sood vice Mr.N.K. Sood, Advocate, for the
appellant.

List before another Bench.

July 30, 2007
(aks)

(Dev Darshan Sud)
Judge

FAO No.238 of 2007.

30.07.2007 Present: Mr.Bhupender Singh vice Mr.Deepak Bhasin, Advocate, for the appellant.

FAO No.238 of 2007.

Admit.

CMP No. 531 of 2007.

Subject to the appellant's depositing the entire awarded amount alongwith costs and interest in this Court within a period of eight weeks from today, the execution of the award shall remain stayed during the pendency of the appeal. It is clarified that in case the deposit is not made, the order shall stand vacated without reference to the Court. The application is disposed of.

Dasti copy on usual terms.

**July 30, 2007
(aks)**

**(Dev Darshan Sud)
Judge**

RSA No.324 of 2007.

30.07.2007 Present: Mr.R.K. Bawa, Senior Advocate with Mr.Inderjit Singh,
Advocate, for the appellants.

RSA No.324 of 2007.